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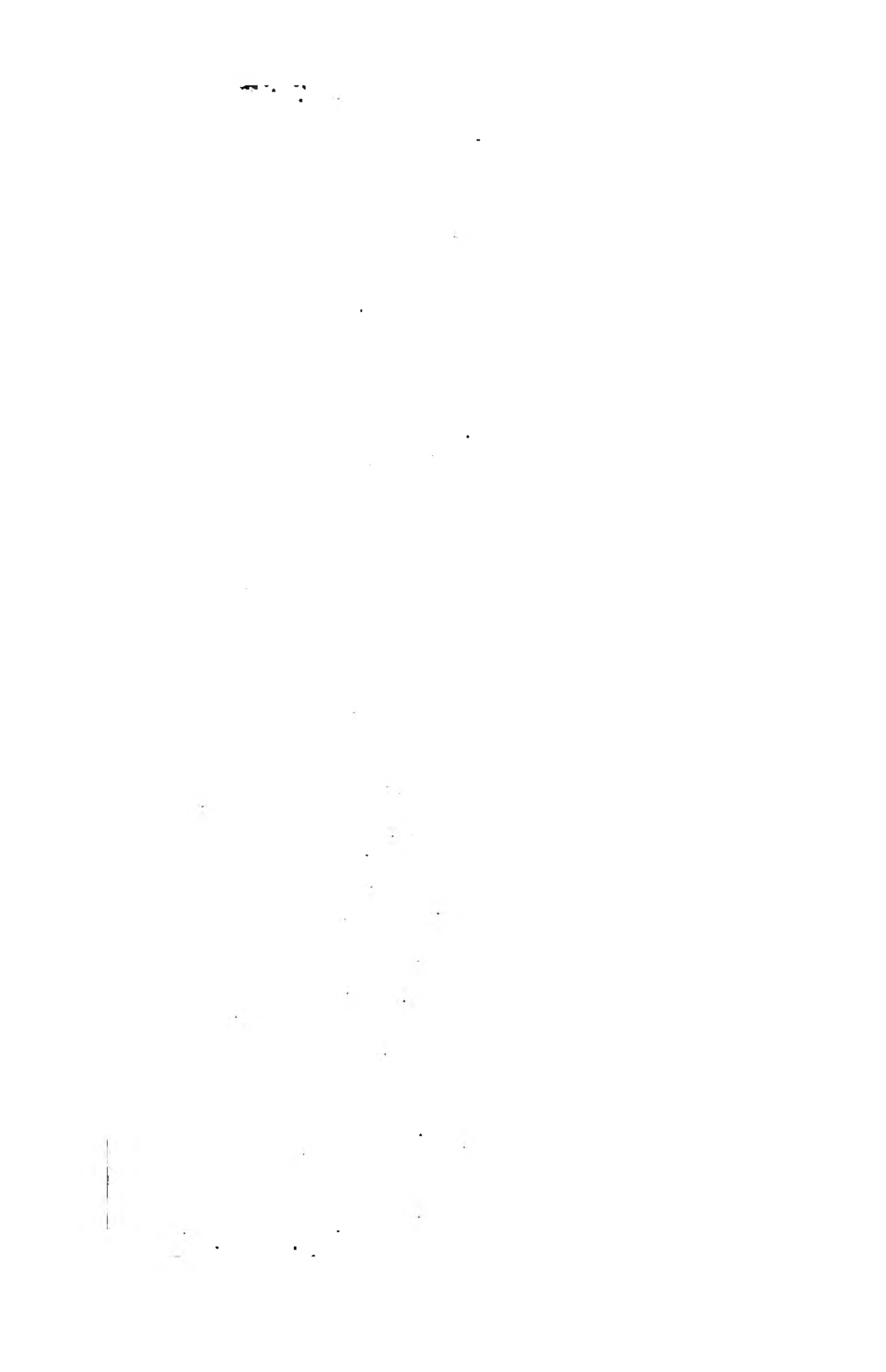
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PRIVATE AND SPECIAL STATUTES

OF THE

Commonwealth of Massachusetts.

PRIVATE AND SPECIAL
STATUTES
OF THE
Commonwealth of Massachusetts,

FOR THE YEARS

1860, '61, '62, '63, '64, '65,

REVISED AND PUBLISHED

BY AUTHORITY OF THE LEGISLATURE,

IN CONFORMITY TO A RESOLVE PASSED JUNE 4, 1868.

VOL. XI.



BOSTON:
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1869.



NOTICE.

SECRETARY'S DEPARTMENT, January, 1869.

The General Court at its last session, by a Resolve, approved June 4, 1868, directed "That the special acts of this Commonwealth, passed from the year one thousand eight hundred and sixty, to the year one thousand eight hundred and sixty-five, both years inclusive, be collated and published under the direction of the Secretary of the Commonwealth, in a volume as nearly as may be in conformity with the volumes of the special laws heretofore published, and that a full and complete index of the matter contained therein, be appended to said volume." In accordance therewith, this volume, being the eleventh of the Special Laws, and containing the Acts of the years 1860 to 1865, inclusive, has been printed.

The same general plan has been pursued in its arrangement as in the ninth and tenth volumes. The Acts have been carefully collated with the original parchments, and the great experience and accuracy of the persons intrusted with the performance of the work

are sufficient guarantees that this volume is free from errors.

The editor of the ninth and tenth volumes, NEHEMIAH BROWN, Esq., has had the general superintendence of the work, and has bestowed much labor and care in the execution of that duty.

OLIVER WARNER,
Secretary of the Commonwealth.

PRIVATE AND SPECIAL STATUTES:

1860-1865.

PRIVATE AND SPECIAL STATUTES

OF

MASSACHUSETTS.

1860.

AN ACT authorizing the Removal of the Balconies of the House of Representatives. *Chap. 1.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :

SECTION 1. The sergeant-at-arms is hereby authorized to cause the balconies in front of the galleries of the representatives' hall, to be at once removed : *provided*, that the total expense of said removal, and of such repairs upon the remaining galleries as may be necessary in consequence of said removal, shall not exceed one hundred and fifty dollars.

Removal authorized.
Proviso.

SECTION 2. This act shall take effect on and after its passage.

Approved January 20, 1860.

AN ACT to change the Time of holding the Meetings of the Commissioners of the County of Berkshire. *Chap. 3.*

Be it enacted, &c., as follows :

SECTION 1. Instead of the regular meeting, now by law required to be held by the commissioners of the county of Berkshire, on the first Tuesday of January, the commissioners shall hold such meeting at Lenox, on the last Tuesday of December in each year.

Last Tuesday of December.

SECTION 2. This act shall take effect on the first day of July next.

Approved January 28, 1860.

[1845, 181; 1846, 138; 1848, 13; 1854, 210.]

AN ACT concerning the Peterborough and Shirley Railroad Company.

Chap. 4.

Be it enacted, &c., as follows :

SECTION 1. The Peterborough and Shirley Railroad Company are hereby authorized to sell and convey to the Fitchburg Railroad Company, their franchise, rights and railroad, together with all their corporate property and powers.

May sell franchise, &c., to Fitchburg Railroad Co.

Privileges, restrictions, &c.

In case of sale, the Fitchburg Railroad Company shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, imposed upon said Peterborough and Shirley Railroad Company, excepting the debts of said company.

In case of sale, Peterborough and Shirley R. Co. to continue in existence for two years, &c.

SECTION 2. In the event of sale as authorized by the foregoing section, the Peterborough and Shirley Railroad Company may continue its corporate existence for two years from the passage of this act, for the purpose of settling and closing its concerns; and for this purpose only shall have all the corporate powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes.

SECTION 3. This act shall take effect from and after its passage.

Approved January 30, 1860.

[1846, 201; 1853, 16.]

Chap. 5.

AN ACT to increase the Capital Stock of the Wamsutta Mills.

Be it enacted, &c., as follows:

\$500,000 additional capital stock.

The Wamsutta Mills are hereby authorized to increase their capital stock by adding thereto a sum not exceeding five hundred thousand dollars, and to invest such portion thereof, in real and personal estate, as may be necessary and convenient for the purposes for which they have been incorporated.

Approved February 2, 1860.

[1868, 193.]

Chap. 6.

AN ACT to incorporate the East Boston Improvement Company.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Charles Houghton, Langdon Coffin, James M. Stone, and Richard Lang, their associates and successors, are hereby made a corporation, by the name of the East Boston Improvement Company; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes.

Name.

Powers of corporation and location of property.

SECTION 2. Said corporation may purchase, receive in payment of work performed, hold and convey the whole or any part of certain marsh lands and flats, not to exceed in amount one hundred acres, now the property of the East Boston Company, situated in that part of Boston known as East Boston, and limited on the west by the track of the Eastern Railroad, on the north by Neptune Street, on the east by Cottage Street, till it intersects with Putnam Street; thence on Putnam Street east to a point not beyond the line of the East Boston Company's land, nor beyond the present sea-wall; thence as said company may own, but not outside

the present sea-wall, to Maverick Street; thence by Maverick Street, Cottage Street and Decatur Street, to the said Eastern Railroad track, and for the most part comprised within what is called the "Basin;" and may grade, drain and otherwise improve said lands, and may divide the same or the proceeds thereof among the stockholders after paying the debts of the corporation.

SECTION 3. This act shall not be construed to give any right to grade, drain or improve any land not belonging to the East Boston Company, nor to confer any rights additional to those now possessed by said East Boston Company, nor to deprive the city of Boston of the power to regulate the line of the streets and the grading and drainage thereof. Restrictions.

SECTION 4. This act shall take effect from and after its passage.

Approved February 2, 1860.

AN ACT to incorporate the Everett Mills.

Chap. 7.

Be it enacted, &c., as follows:

SECTION 1. James Dana, Samuel Batchelder, Charles W. Cartwright, their associates and successors, are hereby made a corporation, by the name of the Everett Mills, for the purpose of manufacturing cotton and other fibrous materials, in the city of Lawrence, in the county of Essex; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, and the two hundred and seventy-sixth chapter of the acts of the year one thousand eight hundred and fifty-seven, and all acts passed subsequent thereto relating to manufacturing corporations. Corporators.
Name.
In Lawrence.
Powers and duties.

SECTION 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of three hundred thousand dollars; and the whole capital stock of said corporation shall not exceed eight hundred thousand dollars, in shares of one hundred dollars each; and no shares of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. Real estate.
Capital stock.

SECTION 3. This act shall take effect from and after its passage.

Approved February 2, 1860.

[1821, 105; 1824, 11; 1837, 39.]

AN ACT to continue in force An Act to incorporate the Manufacturers' Insurance Company, in Boston. Chap. 8.

Be it enacted, &c., as follows:

The statute of the year one thousand eight hundred and twenty-two, incorporating the Manufacturers' Insurance Charter extended.

Company, and the several acts in addition thereto, shall be continued and remain in force from and after the twenty-third day of February, in the year one thousand eight hundred and sixty-two; and said company shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the general laws in relation to insurance companies, which have been or may hereafter be enacted.

Approved February 2, 1860.

[1830, 23.]

Chap. 9. AN ACT to authorize the Institution for Savings in the Town of Barnstable to hold Real Estate.

Be it enacted, &c., as follows :

\$15,000 in real estate.

SECTION 1. The institution for savings in the town of Barnstable is hereby authorized to hold real estate within the town of Barnstable, to an amount not exceeding fifteen thousand dollars: *provided*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site, and the erection or preparation of a suitable building, to be used for banking purposes; and all income, if any, arising from such real estate, shall be devoted exclusively to the interests of said corporation.

Proviso.

SECTION 2. This act shall take effect from and after its passage.

Approved February 2, 1860.

[1867, 19.]

Chap. 10. AN ACT to authorize the City of Cambridge to fill up a Portion of a Creek in said City.

Be it enacted, &c., as follows :

Filling authorized.

SECTION 1. The city of Cambridge is hereby authorized to fill and make solid that portion of the creek leading from broad canal to south canal, which lies within the limits of Broadway, in said city: *provided*, that said city of Cambridge shall construct and forever maintain a good and sufficient culvert under said street, for the drainage of the lands lying between Broadway and Harvard Street.

Proviso.

SECTION 2. This act shall take effect from and after its passage.

Approved February 2, 1860.

Chap. 11. AN ACT concerning Assistant-Clerks of County Commissioners.

Be it enacted, &c., as follows :

Ass't clerks of courts to be ass'ts to commissioners.

SECTION 1. The assistant-clerks of the courts in the several counties, shall be assistant-clerks of the county commissioners.

SECTION 2. This act shall take effect from and after its passage.

Approved February 2, 1860.

AN ACT to incorporate the Attleborough Savings Bank.

Chap. 13.

Be it enacted, &c., as follows :

H. M. Richards, S. Bowen, E. Ira Richards, Josiah D. Richards, George Morse, their associates and successors, are hereby made a corporation, by the name of the Attleborough Savings Bank, to be established and located in the town of Attleborough ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth relating to institutions for savings.

Approved February 2, 1860.

[1848, 32 ; 1850, 191 ; 1855, 313 ; 1856, 272 ; 1857, 95.]

AN ACT concerning the Free Public Library of the City of Worcester.

Chap. 14.

it enacted, &c., as follows :

SECTION 1. The city of Worcester is hereby authorized to hold the donations of Doctor John Green and of the Worcester Lyceum and Library Association, and to provide for the establishment and support of a Free Public Library, to be regulated and governed according to the provisions of the city ordinance passed on the twenty-third day of December, in the year one thousand eight hundred and fifty-nine, entitled "An ordinance for the establishment of the Free Public Library of the city of Worcester."

SECTION 2. The city council of said city are authorized to make all necessary appropriations for the erection of a suitable library building, and for the care and preservation of the library, and for the employment of the officers to be appointed in pursuance of said ordinance. They may further appropriate for the establishment of said library, in the year one thousand eight hundred and sixty, a sum not exceeding five thousand dollars, and thereafter such further sums as they see fit, not exceeding three thousand dollars in each year, for the increase of the same.

SECTION 3. This act shall take effect from and after its acceptance by the city council of said city.

Approved February 2, 1860.

[1860, 96 ; 1861, 118 ; 1862, 35, 148 ; 1863, 72 ; 1864, 61, 104 ; 1865, 196 ; 1866, 199 ; 1867, 269 ; 1868, 195, 198.]

AN ACT to incorporate the Nickersons' Wharf Company.

Chap. 15.

Be it enacted, &c., as follows :

SECTION 1. Edward G. Nickerson, Sereno D. Nickerson, and Thomas W. Nickerson, their associates and successors, are hereby made a corporation, by the name of the Nickersons' Wharf Company ; with power to purchase and hold in

Location, power to purchase, &c.	fee simple, any part or the whole of the estate on New Street, in East Boston, and known as Nickerson's Wharves, with all the privileges and appurtenances to the same belonging; and the said corporation may construct docks and wharves upon said premises, lay vessels within and at the sides and ends thereof, and receive dockage and wharfage therefor, and improve and manage said property consistently with the purposes of this act, and may sell and convey the same or any part thereof: <i>provided</i> , that nothing herein contained shall authorize the said corporation to infringe upon the legal rights of any person, or to build any wharf or other structure on the premises which is not now authorized by law.
Proviso.	
Capital stock.	SECTION 2. The capital stock of said corporation shall not exceed two hundred thousand dollars, divided into shares of not less than one hundred dollars each.
Powers and duties.	SECTION 3. Said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the sixty-eighth chapter of the General Statutes, passed December twenty-eighth, one thousand eight hundred and fifty-nine: <i>provided, however</i> , that the grantees above named shall first pay to the treasurer of the Commonwealth such sums of money as the governor and council shall determine as payment for any flats and rights in tide-water belonging to the Commonwealth, if any, taken or filled up under the provisions of this act; and
Payment for flats and rights.	<i>provided, further</i> , that said wharf shall not extend beyond the commissioners' line.
Proviso.	<i>Approved February 3, 1860.</i>

Chap. 16. AN ACT to incorporate the Arkwright Mutual Fire Insurance Company.
Be it enacted, &c., as follows :

Corporators.	SECTION 1. Francis Skinner, Charles Amory, Waldo Higginson, their associates and successors, are hereby made a corporation, by the name of the Arkwright Mutual Fire Insurance Company, in the city of Boston, for the purpose of insuring manufactories and other buildings appertaining thereto and connected therewith, and their contents, against loss or damage by fire; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the fifty-eighth chapter of the General Statutes, passed December twenty-eighth, one thousand eight hundred and fifty-nine, and all other laws relative to mutual fire insurance companies.
Name.	
Purpose.	
Powers and duties.	
Amount of deposit notes.	SECTION 2. It shall be lawful for the deposit notes given for insurance in this company, to be as much as five times the amount paid as cash premium.

SECTION 3. This company is hereby authorized to insure property situated in the states of Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey and Pennsylvania.

Where property may be insured.

Approved February 8, 1860.

[1861, 47 ; 1862, 3.]

AN ACT in addition to an Act to incorporate the Cliftondale Railroad Company. *Chap. 17.*

[1859, 144.]

Be it enacted, &c., as follows :

SECTION 1. The Cliftondale Railroad Company are hereby authorized to construct their railroad on some convenient route, from such point on the highway in Malden, known as the Newburyport Turnpike, between Salem Street and the line dividing the towns of Malden and Melrose, as may be determined by the selectmen of Malden, upon and over such land, outside of the streets and highways, as said company may determine, to such point in the highway called Washington Street, in that part of Saugus known as Cliftondale ; or to such point in any street or highway which may be laid out, connecting with the aforesaid Washington Street, near the house of John T. Paine, as may be determined by the selectmen of Saugus ; and said company shall have all the rights and powers of railroad corporations, under existing provisions of law, to purchase or otherwise take any land necessary for making their railroad outside of the streets and highways, and shall be subject to all existing provisions of law applicable to railroad corporations, for the assessment and payment of damages for land so taken.

Location and construction.

Right to purchase land, &c.

Land damages.

SECTION 2. This act shall be void so far as relates to the right to construct said road unless the same shall be constructed on or before the first day of November, in the year eighteen hundred and sixty.

Time limited.

SECTION 3. This act shall take effect on and after the acceptance thereof by said corporation, at any time within thirty days after its passage.

Act to be accepted.

Approved February 8, 1860.

[1861, 16 ; 1862, 118 ; 1864, 133.]

AN ACT to incorporate the North Attleborough Branch Railroad Company. *Chap. 18.*

Be it enacted, &c., as follows :

SECTION 1. E. Ira Richards, William D. Whiting, Josiah D. Richards, and Stephen Richardson, 2d, their associates and successors, are hereby made a corporation by the name of the North Attleborough Branch Railroad Company ; with all the powers and privileges, and subject to all the duties,

Corporators.

Name.

Powers and duties.

liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes, passed December twenty-eighth, one thousand eight hundred and fifty-nine, and in that part of the sixty-third chapter thereof relating to railroad corporations, and all other general laws which have been or may hereafter be passed relative to railroad corporations.

Location.

SECTION 2. Said company is hereby empowered to locate, construct and maintain a railroad, with one or more tracks, from some convenient point in the village of North Attleborough to the state line near Valley Falls, in the state of Rhode Island; and said corporation may, at said state line, connect their road with the railroad of any company which may be established by the state of Rhode Island.

Connection with other roads.

Capital stock.

SECTION 3. The capital stock of said company shall not exceed one hundred thousand dollars, and it shall be divided into shares of one hundred dollars each; and such company may purchase and hold such real and personal estate as may be necessary for the purposes of their incorporation.

Real estate.

Time limited.

SECTION 4. If the location of said road be not filed within two years, and said railroad constructed within three years from the passage of this act, then the same shall be void.

May contract with Providence and Worcester Railroad Co.

SECTION 5. The said company are hereby authorized and empowered to contract with the Providence and Worcester Railroad Company, for the equipping and running of said road.

SECTION 6. This act shall take effect from and after its passage.

Approved February 8, 1860.

[1863, 23; 1865, 3; 1867, 171.]

Chap. 19.

AN ACT to incorporate the Stoneham Street Railroad Company.

Be it enacted, &c., as follows:

Corporators.

Name.

Powers and duties.

SECTION 1. John Hill, Lyman Dike, Augustus Barrett, their associates and successors, are hereby made a corporation, by the name of the Stoneham Street Railroad Company; with power to construct, maintain and use a railroad, with convenient single or double tracks, from such point or points in the town of Stoneham as shall be fixed by the selectmen of the said town, with the assent in writing of said corporation, filed with said selectmen, and upon and over such of the streets and highways of said town as shall be from time to time fixed and determined by said selectmen, with the assent in writing of said corporation, filed as aforesaid, to the intersection of the same with the streets and highways of the town of Melrose; and then upon and over such of the streets and highways of the town of Melrose, as shall be from

time to time fixed and determined by the selectmen of said town, with the assent in writing of said corporation, filed with the selectmen of said town, and also over and upon such other land in said towns as said corporation may elect to build their road or roads upon and over. Said railroad track or tracks shall be laid at such distance from the sidewalks in said towns, as the selectmen of said towns, shall respectively, within the limits of their several jurisdictions, in their order fixing the routes of said railroad, determine to be for the public safety and convenience.

SECTION 2. Before proceeding to locate the track or tracks of said railroad in any street or highway, as aforesaid, in either of said towns of Stoneham and Melrose, the selectmen of said towns, respectively, shall give notice to the abutters thereon, by publication in such newspapers as said selectmen shall determine, at least fourteen days before such meeting, of the time and place at which they will fix and determine the location and manner of construction of such track or tracks; and such abutters may then and there appear, and show cause, if any there be, why said track or tracks should not be so located and constructed.

Selectmen to give notice, &c.

SECTION 3. Said railroad shall be constructed and maintained in such form and manner, and upon such grade, as the selectmen of said towns respectively, shall, by their votes, fixing and determining the routes thereof, as aforesaid, prescribe and direct; and whenever, in the judgment of said corporation, it shall be necessary to alter the grade of any street so occupied by it, the sole expense of such alteration shall be paid by said corporation; and such alteration shall not be made unless the assent of the selectmen of the town within which it is proposed to be made, shall first be obtained.

Construction.

SECTION 4. Said tracks or road shall be operated and used with horse-power only; and the selectmen of said towns shall have power at all times to make all such regulations as to the rate of speed, and mode of use of the tracks, as the public convenience and safety may require, within the limits of their respective corporations.

Horse-power only to be used.
Regulations.

SECTION 5. The capital stock of said corporation shall not exceed fifty thousand dollars, to be divided into shares of one hundred dollars each.

Capital stock and shares.

SECTION 6. Said corporation shall have power to purchase and hold such real estate within said towns of Stoneham and Melrose, or either of them, as may be convenient or necessary for the purposes and management of said railroad.

Real estate.

Powers of selectmen.

SECTION 7. Nothing in this act shall be construed to prevent the selectmen of either of said towns from entering upon and taking up any of the public streets or bridges traversed by said railroad, for any purpose for which they may now lawfully take up the same.

Repairs of streets.

SECTION 8. Said corporation shall keep and maintain in repair such portions of the streets and bridges, respectively, as shall be occupied by their tracks, or injured thereby, and shall be liable for all loss or injury that any person may sustain by reason of any carelessness, neglect, or misconduct of its agents and servants, in the management, construction, or use of said tracks, roads, or bridges; and in case any recovery shall be had against either of said towns, by reason of any defect or want of repair in the streets or bridges, caused by the corporation or its servants, said corporation shall be liable to pay such towns, respectively, or either of them, any sums thus recovered against them, together with all costs and reasonable expenditures incurred by them, respectively, in defence of any such suit or suits, in which recovery may be had; and said corporation shall not use any portion of the streets or bridges not occupied by said road or tracks.

Punishment for wilful obstruction of tracks.

SECTION 9. If any person shall wilfully and maliciously obstruct said corporation or their agents in the use of said railroad or tracks, or the passing of the cars or carriages of said corporation thereon, such persons, and all who shall be aiding or abetting therein, shall be punished by a fine not exceeding five hundred dollars, or may be imprisoned in the common jail for a period not exceeding three months. And if said corporation, or its agents or servants, shall wilfully and maliciously obstruct any highway, or passing of any carriage over the same, said corporation shall be punished by a fine not exceeding five hundred dollars.

Rates of fare.

SECTION 10. Said corporation shall have power to fix, from time to time, such rates of compensation for transporting persons and property as they may think expedient; but the rate of passenger fare shall not exceed five cents per mile to each passenger; and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes, passed on the twenty-eighth day of December, in the year eighteen hundred and fifty-nine.

Powers and duties.

Tracks may be discontinued and the location revoked.

SECTION 11. At any time after the expiration of one year from the opening for use of the tracks of said railroad in any street or road in which the same shall be located, as provided by its charter, the selectmen of said towns, respectively, may, by a vote of the major part thereof, determine

as to so much of said track as is located within their respective limits, that the same or any part thereof be discontinued; and thereupon the location shall be deemed to be revoked, and the tracks of said railroad shall forthwith be taken up and removed in conformity with such vote or order of said selectmen; and such taking up and removal shall be at the expense of said railroad corporation.

Expense of removal.

SECTION 12. The towns of Stoneham and Melrose, or either of them, may, at any time during the continuance of the charter of said corporation, and after the expiration of ten years from the opening of any part of said road for use, purchase of said corporation all the franchise, property, rights and furniture of said corporation, by paying therefor such a sum as will reimburse to each person who shall then be a stockholder therein, the par value of his stock, together with a net profit of ten per cent. per annum, from the time of the transfer of said stock to him on the books of the corporation, deducting the dividends received by said stockholder thereon; said towns having the right to purchase only that part of the corporate property which relates to and lies within the limits of their own jurisdictions, respectively, and paying therefor a proportionate sum on the basis above mentioned, to be ascertained and fixed by commissioners to be appointed by the supreme judicial court.

Rights of towns to purchase road and property.

SECTION 13. Said corporation shall be deemed a railroad corporation, so far as to be subject to all existing provisions of law for the taking of land and the assessment and payment of damages for land outside of the streets, taken by them for their tracks, and also to make such annual returns to the legislature as are or may be prescribed by law, and also to all such general provisions of law as are or may be prescribed, relative to horse or street railroads.

Character and liabilities of corporation.

SECTION 14. This act shall be void so far as relates to the right to construct said road in either of said towns, unless the same shall be accepted by the selectmen of said towns, respectively, and by said corporation, and unless said railroad shall be constructed from the post-office in the town of Stoneham to the station of the Boston and Maine Railroad in the town of Melrose, within one year from the passage of this act.

Acceptance of act.

Conditions, &c.

SECTION 15. This act shall take effect from and after its passage.

Approved February 8, 1860.

[1846, 247; 1847, 101; 1848, 34; 1849, 18; 1850, 4; 1851, 34, 78; 1852, 178; 1853, 19, 185; 1855, 483.]

Chap. 20. AN ACT extending the Time for the Construction of the Fitchburg and Worcester Railroad.

Be it enacted, &c., as follows :

Time extended
three years.

The time granted in chapter four hundred and eighty-three, of the laws of the year eighteen hundred and fifty-five, to the Fitchburg and Worcester Railroad Company, to construct the extension of its railroad, is hereby extended three years.

Approved February 8, 1860.

[1864, 19; 1867, 235.]

[1852, 179, 300.]

Chap. 22. AN ACT authorizing an increase of the Capital Stock of the Chelsea Gas Light Company.

Be it enacted, &c., as follows :

\$50,000 addition-
al capital stock.

SECTION 1. The Chelsea Gas Light Company are hereby authorized to increase their capital stock, by adding thereto fifty thousand dollars, and to invest such portion thereof in real and personal estate, as may be necessary and convenient for carrying on the business for which said company was incorporated.

SECTION 2. This act shall take effect from and after its passage.

Approved February 8, 1860.

Chap. 23. AN ACT to set off a part of the Town of Northfield and annex the same to the Town of Erving.

Be it enacted, &c., as follows :

Hack's Grant an-
nexed to Erving.

SECTION 1. That portion of the town of Northfield, known as Hack's Grant, consisting of about one hundred and eighty-one acres of land, entirely detached from the residue of said town of Northfield, and bounded on all sides by the town of Erving, with all the inhabitants and estates thereon, is hereby set off from the town of Northfield, and annexed to the town of Erving.

Taxes, how set-
tled and adjust-
ed.

SECTION 2. The said inhabitants and estates so set off, shall be liable to pay all taxes that have been legally assessed upon them by the town of Northfield; and until the next general valuation of estates in this Commonwealth, the town of Erving shall annually pay to the town of Northfield the proportion of any state or county tax which the said town of Northfield may have to pay upon the inhabitants or estates hereby set off.

Paupers.

SECTION 3. If any persons who have heretofore gained a legal settlement in the town of Northfield by reason of a residence on the territory set off as aforesaid, or by having been proprietors of any part thereof, or who may

derive such settlement from any such resident or proprietor, shall stand in need of relief or support as paupers, they shall be relieved or supported by the said town of Erving, in the same manner as if they had gained a legal settlement in said town of Erving.

SECTION 4. This act shall take effect from its passage.

Approved February 10, 1860.

AN ACT to incorporate the Town of Acushnet.

Chap. 24.

Be it enacted, &c., as follows:

SECTION 1. All that part of the town of Fairhaven which lies northerly of the following described lines, viz.: beginning at a stone monument at "Tripp's Corner," in the division lines between the towns of Fairhaven and Mattapoisett, thence from said stone monument in a south-westerly direction, in a straight line, to the south-east corner of the "Royal Hathaway farm," so called, thence in the south line of said farm, to the south-west corner bound thereof, thence continuing westerly in the same direction to the centre of the channel of the Acushnet River, or division line between the town of Fairhaven and the city of New Bedford, is hereby incorporated into a separate town, by the name of Acushnet; and the said town of Acushnet is hereby vested with all the powers and privileges, rights and immunities, and shall be subject to all the duties and requisitions, to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.

Boundaries established.

SECTION 2. The inhabitants of said town of Acushnet shall be holden to pay to the collector of the town of Fairhaven all arrearages of taxes legally assessed upon them before this act takes effect; and also their proportion of such state and county taxes as may be assessed upon them before the taking of the next state valuation, said proportion to be ascertained and determined by the last valuation of the said town of Fairhaven; and said town of Acushnet shall be holden to pay four twenty-thirds of the debts due and owing from the town of Fairhaven at the time of the passage of this act, and be entitled to receive four twenty-thirds of all the real and personal property and assets owned by or due to the said town of Fairhaven; and shall be liable to refund to said town of Fairhaven four twenty-thirds of the "surplus revenue," when the same is called for, according to the provisions of law.

Apportionment of taxes.

Debts.

Town property and surplus revenue.

SECTION 3. The said towns of Fairhaven and Acushnet shall be respectively liable for the support of all persons who now do and who may hereafter stand in need of relief as

Paupers.

paupers, whose settlement was gained by or derived from a settlement gained or derived within their respective limits.

Certain property
to be held by
the two towns re-
spectively.

SECTION 4. The towns of Fairhaven and Acushnet shall hold the following described property, situate in their respective limits, as valued by their committee appointed June twenty-fifth, in the year eighteen hundred and fifty-nine, "for the purpose of presenting information to the legislature to enable them to make a just and equitable apportionment of the public property, debts and burdens, between the towns," viz.: the town of Fairhaven shall exclusively hold the almshouse, farm, and property appertaining thereto; the high school-house, lot and fixtures, the engine-house and lot in Oxford Village, and the engine and fixtures contained therein; the engine-house and lot in the village of Fairhaven, and the engine and fixtures therein; two second-hand engines now in the village; the town-house lot; the watch-house and lot; L. S. Aiken's gravel lot; one safe in the town clerk's office; and so much of other property as will make nineteen twenty-thirds of the public property as valued by said committee. The town of Acushnet shall exclusively hold the engine-house and lot, together with the engine and fixtures in Acushnet Village; the school-house and lot in school district number eighteen; two town pounds; the "Freeman Hathaway lot;" the "Samuel Stacy lot," and so much of other property as will make four twenty-thirds of the public property as valued by said committee. All other property which may hereafter be found to belong to the town of Fairhaven, and not specified by the said committee at the time of the passage of this act, shall be divided on the same basis, viz.: nineteen twenty-thirds to the town of Fairhaven, and four twenty-thirds to the town of Acushnet.

Districts, senatorial, representative, &c.

SECTION 5. The town of Acushnet shall remain a part of the same districts, representative, senatorial, councillor and congressional, as the town of Fairhaven, until said districts are altered by due authority of law.

Town meeting,
how called.

SECTION 6. Any justice of the peace in and for the county of Bristol, is hereby authorized to issue his warrant to any principal inhabitant of the town of Acushnet, requiring him to warn the legal voters of said town to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings; and said warrant shall be served by publishing a copy thereof in some newspaper published in the city of New Bedford, and by posting up copies thereof (all attested by the person to whom the same is directed) in four public places in said town,

seven days at least before the time of meeting. The selectmen of Fairhaven shall, before said meeting, prepare a list of voters in said town of Acushnet, qualified to vote at said meeting, and shall deliver the same to the person presiding at said meeting, before the choice of moderator thereof. List of voters.

SECTION 7. This act shall take effect from and after its passage.

Approved February 13, 1860.

[1861, 22.]

[1847, 16; 1849, 3, 217; 1851, 183.]

AN ACT to reduce the Capital Stock of the Bay State Bank.

Chap. 25.

Be it enacted, &c., as follows:

SECTION 1. From and after the first day of April next, the president, directors and company of the Bay State Bank, in Lawrence, are hereby authorized to reduce their capital stock to the sum of three hundred and seventy-five thousand dollars: *provided*, that no dividend of any part of the present capital stock shall be made, nor shall such reduction take place until a commissioner, to be appointed by the governor and council, for that purpose, at the expense of said corporation, shall have certified, in writing, to the governor and council, after due examination, that the said corporation has sufficient funds for the payment of all notes, bills, deposits, and other demands existing against it, and that after payment thereof, and the repayment to its stockholders of the amount hereby authorized to be deducted from its present capital stock, the net sum of three hundred and seventy-five thousand dollars will remain in said bank as capital stock, in funds available for all usual and proper banking purposes. Capital stock reduced.

SECTION 2. The reduction of the capital stock of said bank shall be made by reducing the par value of the shares, in the same, from one hundred dollars to seventy-five dollars, and refunding to the holders the difference, according to a vote of the stockholders thereof, passed at a special meeting held October twentieth, in the year one thousand eight hundred and fifty-nine. Proviso.

SECTION 3. From and after the first day of April next, previous to which time the commissioner herein provided for shall make and deliver his certificate to the governor and council, as aforesaid, all the rights, duties and liabilities of said bank shall have relation to, and be governed by said reduced capital stock of three hundred and seventy-five thousand dollars; and until the said first day of April next, and until the said certificate shall have been made and delivered, as aforesaid, the said bank shall continue to pay Mode of reduction.

Tax.

Liabilities. into the treasury of the Commonwealth, the tax required by law to be paid on the present capital of said bank; and nothing contained in this act shall be construed to affect the liability of said corporation, or of the individual stockholders, as established by the act incorporating said bank, and the several acts in addition thereto.

SECTION 4. This act shall take effect from and after its passage.

Approved February 15, 1860.

[1861, 123.]

Chap. 26. AN ACT to incorporate the Tri-Mountain Mutual Fire Insurance Company.

Be it enacted, &c., as follows :

Corporators.

Name.

Location.

Powers and duties.

Timothy H. Smith, David N. Holmes, Owen Lappen, their associates and successors, are hereby made a corporation by the name of the Tri-Mountain Mutual Fire Insurance Company, to be established in the city of Boston, for the purposes of effecting mutual insurance upon dwelling-houses, other buildings, and personal property, against loss or damage by fire; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the fifty-eighth chapter of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine, and to all other laws applicable to mutual fire insurance companies.

Approved February 16, 1860.

Chap. 27. AN ACT to incorporate the Kenoza Lake Club.

Be it enacted, &c., as follows :

Corporators.

Name.

Purpose.

Location.

Property, real and personal.

SECTION 1. James H. Carleton, Samuel White, Eleazer A. Porter, their associates and successors, are hereby made a corporation by the name of the Kenoza Lake Club, for the purpose of securing, embellishing, and perpetuating a pleasure ground in the town of Haverhill, on the shore of Kenoza Lake.

SECTION 2. Said corporation may hold real and personal estate for the aforesaid purposes, to an amount not exceeding fifteen thousand dollars.

Approved February 20, 1860.

Chap. 28. AN ACT to incorporate the Union Gas Light Company in Attleborough.

Be it enacted, &c., as follows :

Corporators.

Name.

Purpose.

Location.

Powers, restrictions, &c.

SECTION 1. Joseph W. Capron, Willard Blackington, Capron Peck, Albert M. Everett, and Homer M. Daggett, their associates and successors, are hereby made a corporation by the name of the Union Gas Light Company, in Attleborough, for the purpose of manufacturing and selling gas in the town of Attleborough; with all the powers and privileges, and subject to all the duties, restrictions and

liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, and of all other acts passed relating thereto.

SECTION 2. Said corporation may, for the purpose aforesaid, hold real estate not exceeding in value twenty thousand dollars; and the whole capital stock shall not exceed twenty-five thousand dollars.

SECTION 3. Said corporation, with the consent of the selectmen of the town of Attleborough, shall have power and authority to open the ground in any of the streets, lanes and highways in the second parish in said town, for the purpose of sinking or repairing such pipes and conductors as may be necessary for the purpose aforesaid; and the aforesaid corporation, after opening the ground in such streets, lanes or highways, shall be held to put the same again into repair, under the penalty of being prosecuted for a nuisance: *provided*, that the said selectmen for the time being, shall at all times have the power to regulate, restrict and control the acts and doings of the said corporation, which may in any manner affect the health, safety, or convenience of the inhabitants of said town.

SECTION 4. This act shall take effect from its passage.

Approved February 20, 1860.

[1867, 185.]

AN ACT to incorporate the Union Mill Company.

Chap. 29.

Be it enacted, &c., as follows:

SECTION 1. David Anthony, S. Angier Chace, Hale Remington, their associates and successors, are hereby made a corporation by the name of the Union Mill Company, for the purpose of manufacturing cotton goods in the city of Fall River, in the county of Bristol; and for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, and the several acts in addition thereto relating to manufacturing corporations.

SECTION 2. The said corporation may hold, for the purpose aforesaid, real estate to the amount of one hundred thousand dollars; and the whole capital stock of said corporation shall not exceed the amount of five hundred thousand dollars.

SECTION 3. This act shall take effect from and after its passage.

Approved February 20, 1860.

Chap. 30. AN ACT to incorporate the Boston and Gloucester Steamboat Company.
Be it enacted, &c., as follows :

Corporators.	SECTION 1. Gorham P. Low, George F. Wonson, and William F. Davis, their associates and successors, are hereby
Name.	made a corporation, under the name of the Boston and
Purpose.	Gloucester Steamboat Company, for the purpose of running
Capital stock.	one or more steamboats between Boston and Gloucester, and
Powers and duties.	intervening places, with a capital of seventy-five thousand dollars ; and for this purpose shall have all the powers and
	privileges, and be subject to all the duties, restrictions and
	liabilities, set forth in the sixtieth and sixty-eighth chapters
	of the General Statutes, passed on the twenty-eighth day of
	December, in the year eighteen hundred and fifty-nine.
Shares.	SECTION 2. The capital stock of this company shall be
	divided into shares of fifty dollars each.

Approved February 20, 1860.

[1850, 151.]

Chap. 31. AN ACT to continue a Ferry in Gloucester Harbor.
Be it enacted, &c., as follows :

Ferry continued for ten years.	Authority is hereby granted to Israel C. Gill, of Gloucester, in the county of Essex, to his associates and successors, to continue the ferry in Gloucester Harbor, between the
	village of Gloucester and Eastern Point, in said town, for
	the term of ten years ; with all the privileges and immunities,
Powers and duties.	and subject to all the liabilities and restrictions provided by
	the act establishing the aforesaid ferry, entitled " An Act
	establishing a Ferry at Gloucester Harbor," chapter one
	hundred and fifty-one of the acts of the year one thousand
	eight hundred and fifty.

Approved February 20, 1860.

Chap. 32. AN ACT to incorporate the Rockport Railroad Company.
Be it enacted, &c., as follows :

Corporators.	SECTION 1. Henry Dennis, James Manning, Eben Blatchford, Levi Sewell, George D. Hale, and William Haskins, their associates and successors, are hereby made a corpora-
Name.	tion by the name of the Rockport Railroad Company ; with
Powers and duties.	all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the sixty-eighth chap-
	ter of the General Statutes, passed on the twenty-eighth day
	of December, in the year one thousand eight hundred and
	fifty-nine, and in that part of the sixty-third chapter thereof,
	relating to railroad corporations, and in all other general
	laws, which shall hereafter be enacted relative to railroad
	corporations.

SECTION 2. The said corporation is hereby authorized to locate, construct and maintain a railroad, with one or more tracks, from some convenient point in the town of Rockport, to some convenient point on the Gloucester Branch Railroad, in the town of Gloucester, and to enter with their railroad, by proper turnouts and switches, upon the Gloucester Branch Railroad at the point of intersection, and to use the same, or any part thereof, according to law.

SECTION 3. The capital stock of said corporation shall not exceed two thousand shares, the number of which shall be determined from time to time by the directors of said corporation; and no assessment shall be laid thereon of a greater amount in the whole than one hundred dollars on each share; and the said corporation may take, purchase and hold such real estate as may be necessary for the purposes of their incorporation.

SECTION 4. If the location of this road be not filed within two years, and if the said railroad be not constructed within three years from the passage of this act, then this act shall be void.

SECTION 5. Said corporation are hereby authorized to sell and transfer their franchise, and all their rights under this act, or to lease their road and other property, either for a limited time or perpetually, to the Eastern Railroad Company, or to any other corporation, person or persons, on such terms as shall be mutually agreed upon.

SECTION 6. This act shall take effect from its passage.

Approved February 20, 1860.

[1860, 34; 1863, 82; 1868, 58.]

AN ACT to incorporate the Haverhill Library Association.

Be it enacted, &c., as follows:

Chap. 33.

SECTION 1. Joseph A. Shores, Warren Johnson, Rufus H. Tilton, Bradstreet P. Woodman, their associates and successors, are hereby made a corporation by the name of the Haverhill Library Association, to be established in the town of Haverhill, in the county of Essex, for the purpose of maintaining a library and reading-room, and promoting public instruction by lectures, or otherwise; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the General Statutes.

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding in the whole the sum of thirty thousand dollars, the income of which shall be devoted to the aforesaid purposes.

Repeal.

SECTION 3. Chapter twenty-five of the acts of the year one thousand eight hundred and fifty-two, entitled "An Act to incorporate the Haverhill Atheneum," and also chapter seventy-nine of the acts of the year one thousand eight hundred and fifty-six, entitled "An Act to incorporate the Haverhill Mechanics' Institute," are hereby repealed.

Approved February 20, 1860.

[1860, 32.]

Chap. 34. AN ACT to authorize the Town of Rockport to take Stock in the Rockport Railroad Company.

Be it enacted, &c., as follows :

Amount authorized.

SECTION 1. The town of Rockport, in the county of Essex, is hereby authorized to subscribe for and hold shares in the capital stock of the Rockport Railroad Company, to the amount of fifty thousand dollars: *provided*, the inhabitants of said town, at a legal town meeting duly called for that purpose, shall, by a vote of two-thirds of the legal voters present and voting thereon, vote to subscribe for such shares in accordance with the terms of this act, to pay for the same out of the town treasury, and to hold the same as town property, subject to the disposition of the town for public purposes, in like manner as any other property which it may possess.

Proviso.**Two-thirds vote of inhabitants required.****Other conditions.****Loan or tax authorized.**

SECTION 2. The said town of Rockport is hereby authorized to raise, by loan or tax, any sums of money which shall be required to pay its instalments or its subscriptions to said stock and interest thereon.

SECTION 3. This act shall take effect from its passage.

Approved February 24, 1860.

[1862, 78.]

Chap. 35. AN ACT to incorporate the Melrose and South Reading Railroad Company.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Samuel Rice, Jeremiah Martin, Samuel O. Dearborn, William Bogle, Henry A. Norris, and Loring L. Fuller, their associates and successors, are hereby made a corporation by the name of the Melrose and South Reading Railroad Company; with power to construct, maintain and use a railroad, with convenient single or double tracks, from such point or points of intersection in Malden, in the county of Middlesex, with the railroad of the Malden and Melrose Railroad Company—such point or points of intersection to be fixed by the selectmen of said town of Malden, with the assent of said corporation in writing expressed, and filed

Location.

with said selectmen—and upon and over such of the streets and highways of said town, as shall be from time to time fixed and determined by said selectmen, with the written assent of said corporation filed as aforesaid; thence upon and over such of the streets and highways of the town of Melrose to the south boundary of the town of South Reading, as shall be from time to time fixed and determined by the selectmen of said town of Melrose, with the written assent of said corporation, filed as aforesaid; thence over and upon such of the streets and highways of said town of South Reading as shall be, from time to time, fixed and determined by the selectmen of said town of South Reading, with the written assent of said corporation filed as aforesaid: and all tracks of said railroad shall be laid at such distances from the sidewalks in said towns as the selectmen of said towns shall respectively, in their orders fixing the route of said railroad, determine. And said corporation shall have power to fix, from time to time, such rates of compensation for transporting persons and property as they may think expedient, at a rate not exceeding five cents per mile for each passenger; and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes, passed December twenty-eighth, in the year eighteen hundred and fifty-nine. Notice to abutters on streets and highways, in which it may be proposed to lay the tracks of said corporation, shall be given by the publication in such newspapers as the selectmen of said town shall determine, fourteen days at least before the location of any such tracks, and also by posting in three public places in each of the towns of Malden, Melrose, and South Reading, notice of said proposed location, fourteen days, at least, before the same shall be made.

Powers of selectmen.

Rate of fare.

Powers and duties.

Notice to abutters.

SECTION 2. The corporation hereby created may enter upon and use the tracks of the Malden and Melrose, and Middlesex Railroad Companies, in such mode, and upon such rates of compensation, as may be agreed upon; or in case of disagreement, such mode and rates shall be fixed by three commissioners, to be appointed by the supreme judicial court: *provided*, that said corporation shall not interfere with the legitimate business of said Malden and Melrose, and Middlesex Railroad Companies.

Power to use other roads or tracks.

Proviso.

SECTION 3. Said tracks or roads shall be operated and used by said corporation with horse-power only. The selectmen of said towns shall have power at all times to

Motive power.
Regulation of speed, &c.

make all such regulations, as to the rate of speed and mode of use of the tracks, as the public convenience and safety may require.

Repairs of highways.

Damages.

Liability.

Restriction.

Obstructions punishable.

Obstruction of highways punishable.

Capital stock and shares.

Real estate.

Selectmen to direct construction of road.

SECTION 4. Said corporation shall keep and maintain in repair such portion of the streets and highways respectively as shall be occupied by their tracks, and shall be liable for any loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of any of its agents and servants in the management, construction or use of said roads, tracks or highways; and in case any recovery shall be had against either of said towns, by reason of such defect or want of repair, said corporation shall be liable to pay such towns respectively, or either of them, any sums thus recovered against them, together with all costs and reasonable expenditures incurred by them respectively, in the defence of any such suit or suits, in which recovery may be had; and said corporation shall not use any portion of the streets or highways, not occupied by said road or tracks.

SECTION 5. If any person shall wilfully and maliciously obstruct said corporation in the use of said road or tracks, or the passing of the cars or carriages of said corporation thereon, such person, and all who shall be aiding or abetting therein, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the common jail for a period not exceeding three months.

SECTION 6. If said corporation, or its agents or servants, shall wilfully and maliciously obstruct any highway, or the passing of any carriages over the same, such corporation shall be punished by a fine not exceeding five hundred dollars.

SECTION 7. The capital stock of said corporation shall not exceed one hundred thousand dollars, to be divided into shares of fifty dollars each.

SECTION 8. Said corporation shall have power to purchase and hold such real estate, within said towns, or either of them, as may be convenient or necessary for the purposes and management of said road.

SECTION 9. The said road shall be constructed and maintained in such form and manner, and upon such grade, as the selectmen of said towns, respectively, may, in their votes fixing and determining the routes thereof, as aforesaid, prescribe and direct; and whenever, in the judgment of said corporation, it shall be necessary to alter the grade of any street so occupied by it, such alteration may be made at the

sole expense of said corporation: *provided*, the same shall be assented to by the selectmen of the town within which such alteration is to be made. Proviso.

SECTION 10. Nothing in this act shall be construed to prevent the selectmen of either of said towns, from entering upon and taking up any of the public streets or highways traversed by said railroad, for any purpose for which they may now lawfully take up the same. Control of highways by selectmen.

SECTION 11. At any time after the expiration of one year from the opening for use of the tracks of said railroad, in any street or road, in which the same shall be located, as provided by its charter, the selectmen of said towns, respectively, may determine as to so much of said tracks, as is located within their respective limits, that the same, or any part thereof, be discontinued; and thereupon the location shall be deemed to be revoked, and the tracks of said railroad shall forthwith be taken up and removed, in conformity with the order of said selectmen; and such taking up and removal shall be at the expense of said railroad corporation. Discontinuance of road in certain cases.

SECTION 12. The towns of Malden, Melrose, and South Reading, or either of them, may, at any time during the continuance of the charter of said corporation, and after the expiration of ten years from the opening of any part of said road for use, purchase of said corporation, all the franchise, property, rights and furniture of said corporation, by paying therefor such a sum as will reimburse to each person who shall then be a stockholder therein, the par value of his stock, together with a net profit of ten per cent. per annum, from the time of the transfer of said stock to him on the books of the corporation, deducting the dividends received by said stockholders thereon; said towns having the right to purchase only that part of the corporate property, which relates to and lies within the limits of their own jurisdictions respectively, and paying therefor a proportionate sum, on the basis above mentioned, to be ascertained and fixed by commissioners to be appointed by the supreme judicial court. Towns may purchase road.

SECTION 13. This act shall be void, so far as relates to the right to construct said road, in either of said towns, unless the same shall be accepted by the selectmen of such towns respectively, and unless the same shall be accepted by said corporation, and unless said road shall be constructed on or before the first day of November, in the year eighteen hundred and sixty-one. Conditions.

Act to be accepted.

Time of construction limited.

Annual returns. SECTION 14. Said corporation shall be deemed a railroad corporation, so far as to be subject to make such annual returns to the legislature as are, or may be, prescribed by law; and also so far, as to be subject to all existing provisions of law for the assessment and payment of damages for the land outside of the streets and highways taken by them for their tracks; and to all general provisions of law that are, or may be prescribed, relative to horse or street railroads.

Liabilities, &c.

SECTION 15. This act shall take effect from its passage.

Approved February 24, 1860.

[1863, 170; 1864, 148, 297; 1865, 189; 1867, 273; 1868, 273.]

Chap. 36. AN ACT to incorporate the Citizens' Gas Light Company, of Quincy.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Daniel P. Nye, F. M. Johnson, Eleazer Fredericks, their associates and successors, are hereby made a corporation by the name of the Citizens' Gas Light Company, of Quincy, for the purpose of manufacturing and selling gas in the town of Quincy; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, and in all other acts passed relating thereto.

Title.

Purpose.

Powers and duties.

Real estate.

SECTION 2. Said corporation may, for the purpose aforesaid, hold real estate not exceeding in value twenty-five thousand dollars, and the whole capital stock shall not exceed one hundred thousand dollars.

Capital stock.

Power to open streets and to sink pipes.

SECTION 3. Said corporation, with the consent of the selectmen of the town of Quincy, shall have the power and authority to open the ground in any part of the streets, lanes and highways in said town, for the purpose of sinking or repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid; and the said corporation, after opening the ground in such streets, lanes or

Highways to be put in repair.

Penalty.

Proviso.

Powers of selectmen.

highways, shall be held to put the same again into repair, under the penalty of being prosecuted for a nuisance: *provided*, that the said selectmen, for the time being, shall at all times have the power to regulate, restrict and control the acts and doings of the said corporation, which may in any manner affect the health, safety or convenience of the inhabitants of said town.

Approved February 24, 1860.

AN ACT to incorporate the Cape Ann Mutual Fishing Insurance Company. *Chap. 37.*

Be it enacted, &c., as follows:

Joseph O. Procter, George F. Wonson, Fitz E. Riggs, Corporators.
 their associates and successors, are hereby made a corpora-
 tion by the name of the Cape Ann Mutual Fishing Insurance Title.
 Company, to be established in the town of Gloucester, for Location.
 the purpose of making insurance against maritime losses on Purpose.
 fishing vessels and their outfits, on the principle of a mutual
 insurance company; and for this purpose shall have all the Powers and du-
 powers and privileges, and be subject to all the duties, ties.
 restrictions and liabilities, set forth in the fifty-eighth chapter
 of the General Statutes passed on the twenty-eighth day of
 December, in the year eighteen hundred and fifty-nine, and
 all other laws applicable to insurance companies.

Approved February 24, 1860.

AN ACT to incorporate the New London Northern Railroad Company. *Chap. 38.*

Be it enacted, &c., as follows:

SECTION 1. Thomas W. Williams, Robert Coit, Francis Corporators.
 Allyn, William G. Johnson, and others, holders of seven per
 cent. first mortgage bonds of the New London, Willimantic
 and Palmer Railroad Corporation and the holders of the
 coupons thereto belonging, their associates and successors,
 are hereby made a corporation by the name of the New Lon- Title.
 don Northern Railroad Company, and are authorized to
 acquire and hold all the rights, powers, privileges, immuni-
 ties and franchises, heretofore granted to or conferred upon
 said New London, Willimantic and Palmer Railroad Cor- Powers and du-
 poration, subject to all the duties, restrictions and liabili- ties.
 ties, to which they are subject by the laws of this Common-
 wealth.

SECTION 2. The capital stock of the company shall be Capital stock and
 three hundred thousand dollars, and shall be divided into shares.
 shares of one hundred dollars each, which shares shall be
 deemed personal property, and be transferred in such manner
 and at such places as the by-laws of the said company
 direct.

SECTION 3. The persons named in the first section hereof, Public notice by
 or a majority of them, shall, first giving public notice of the corporators.
 time and place, open books for subscriptions to the capital
 stock of the company, and shall, under such regulations as
 they or a majority of them may adopt for the purpose,
 receive the subscriptions of holders of said bonds, and also
 of coupons thereto belonging, which shall be past due, and Subscription of
bondholders, &c.

unpaid at the time said books shall be so opened for subscriptions, one share for each one hundred dollars payable in said bonds and coupons only.

Bondholders authorized to take stock.

Conditions.

Public notice of first meeting.

Organization.

Votes and proxies.

Appraisers to be appointed in certain cases.

Duties of appraisers.

SECTION 4. All persons holding such bonds, or coupons thereto belonging, in any fiduciary or representative capacity, or by way of pledge or mortgage, are hereby as fully authorized to subscribe for and accept the stock of the company, in exchange for such bonds or coupons as though they held the same absolutely in their own right, and shall hold the stock which they receive upon the same trusts and in the same manner as the bonds or coupons which they held originally.

SECTION 5. When stock shall have been subscribed to the amount of twenty thousand dollars, in first mortgage bonds, public notice of the time and place of holding the first meeting of the stockholders may be given for the purpose of organizing the company and choosing a board of directors, not to exceed nine in number; and each stockholder present at such meeting, either in person or by proxy, shall be entitled to one vote for each share so held by him.

SECTION 6. In case any holder of such bonds, or past due unpaid coupons thereto belonging, neglects or refuses to subscribe to the capital stock of the company, to the full amount of bonds and coupons so held, for the period of sixty days after said corporation shall have been organized in manner authorized by the fifth section of this act, and said company cannot agree with such holder of bonds or coupons as to the amount to be paid for the interest so held in the property and franchises of the said New London, Willimantic and Palmer Railroad Corporation, it shall be the duty of the corporation hereby created, to apply to a judge of the superior court for the appointment of appraisers, and to cause such notice of the pendency of the application to be given to the trustees for the said seven per cent. bonds, and to the parties neglecting and refusing to subscribe, as such judge may order; and thereupon said judge shall appoint three disinterested and judicious freeholders to estimate and appraise the entire property and franchise of the New London, Willimantic and Palmer Railroad Corporation, conveyed by said company in trust for the security of said bonds, having reference as well to its value for railroad purposes under the charter of said New London, Willimantic and Palmer Railroad Corporation and the trust deeds given by said corporation for the security of said bonds, as to its intrinsic value,

and to make return thereof to said trustees, and to the office of the secretary the Commonwealth; and thereupon every person so having neglected and refused to subscribe to the capital stock of the company, shall be at liberty at any time within thirty days after such appraisal and return shall be made, to subscribe to the capital stock of the company on the same terms as the parties who have previously subscribed, or to demand of the company payment in money, of such proportion of said appraised value, as the amount of bonds or coupons held by such person, and not subscribed as aforesaid, bears to the whole amount of bonds and the coupons thereto belonging and past due at the time said books were opened for subscriptions as before provided, which sum of money said company is hereby required to pay on demand. And in case any person or party shall neglect or refuse for the period aforesaid to subscribe to the stock to the full amount of such bonds and coupons held, or make demand of said company for the proportion of money which shall be due and payable, said company shall, within thirty days, deposit with the trustees for the time being, for said seven per cent. bonds, such proportion of the estimated value aforesaid as the amount of bonds and coupons so not subscribed bears to the whole amount of said seven per cent. bonds and coupons thereto belonging and past due and unpaid at the time said books were opened for subscription as before provided, to the use of the party or parties so having neglected and refused to subscribe, and to be paid to them by the said trustees on demand, on the surrender of their bond or bonds, or coupons, in the proportion to which they may be entitled as before provided; and thereupon the interest of the party having so neglected and refused to subscribe to the capital stock, shall forever belong to said corporation and its assigns, for the uses and purposes for which the same is incorporated.

Appraisers to make returns.
Rights of bond-holders.

Company to deposit amount of unclaimed bonds with trustees.

SECTION 7. After said corporation shall have been organized, further subscriptions may be received to the capital stock, payable in cash, or bonds and coupons as aforesaid, to an amount which, with the amount previously subscribed, shall not exceed said sum of three hundred thousand dollars: *provided*, that no cash subscription shall be received to the exclusion of a subscription by a holder of bonds or of coupons past due and unpaid at the time books shall have been first opened as aforesaid.

Further subscriptions to stock authorized.

Amount.

Proviso.

SECTION 8. Whenever, and as soon as the interest of the New London, Willimantic and Palmer Railroad Corporation, and of the subsequent mortgagees, in the property, right, and

Foreclosure and possession.

franchises conveyed by said corporation, in trust for the special security of said seven per cent. bonds, shall be extinguished by decree of foreclosure and lapse of time limited therefor, or otherwise, the corporation organized under the authority hereby granted, may take possession of all the property and franchises conveyed by said New London, Willimantic and Palmer Railroad Corporation in this Commonwealth, in trust, by first mortgage, for the security of said bonds, and exercise all rights and powers, and enjoy all the privileges and immunities conferred upon such organization by the first section of this act.

Condition upon which duties and liabilities of trustees shall cease.

SECTION 9. When said corporation shall have been organized as herein provided, and the whole amount of said bonds and coupons shall have been subscribed by the holders to the capital stock, or the property and franchises of the New London, Willimantic and Palmer Railroad Corporation shall have been appraised in pursuance of this grant, and the amount of money which the parties neglecting and refusing to subscribe are entitled to, shall have been deposited with the trustees for their use, as herein required, and the interest of said New London, Willimantic and Palmer Railroad Corporation and the subsequent mortgagees, shall have become extinguished, as also herein provided, it shall be lawful for, and the duty of said trustees to deliver the possession to the company hereby incorporated, of all the property, rights and franchises held by them in trust; and thereupon said trustees shall pay to the holders of said bonds and coupons, all moneys in their hands in the proportion to which they may be entitled by the terms of the deed of trust and the provisions of their charter; and thereupon their duties and liabilities as trustees shall cease.

Superior court to enter decree of foreclosure.

SECTION 10. The trustees under the mortgage covering that portion of the railroad of the New London, Willimantic and Palmer Railroad Corporation, which is in this Commonwealth, are hereby authorized to apply to the superior court of the county of Hampden, by petition, for a foreclosure of said mortgage; and such petition may be filed either in term time or vacation; and upon the filing of the same, either of the judges of said court, either in term time or vacation, may issue an order of notice upon said petition, to be served upon the secretary or clerk of said last named corporation, or some director thereof, and also upon the trustees for the subsequent mortgagees, and also upon the city of New London, at least fourteen days before the session of the court to which the same is returnable, and to be published for three weeks successively in some newspaper in said county

Conditions, &c.

of Hampden ; the last publication to be at least fourteen days before such order of notice is returnable ; and if it shall then be made to appear to the satisfaction of said court that the principal of said bonds, or the interest thereon for more than two years, has become due and remained unpaid, the said court thereupon may enter a decree of foreclosure, limiting and defining some reasonable time, not less than three months, within which said mortgage shall be forever foreclosed, unless said New London, Willimantic and Palmer Railroad Corporation or their assigns, or the subsequent mortgagees, shall, before the expiration thereof, duly pay the principal and interest then due ; in default of which payment, said decree of foreclosure shall become effective, and forever debar the subsequent mortgagees and stockholders from redemption.

SECTION 11. The New London Northern Railroad Company established by the legislature of the state of Connecticut, may, by vote duly passed at a legal meeting, and with the consent of the corporation hereby established, become stockholders of said last named corporation ; and thereupon the two corporations established in Connecticut and Massachusetts, under the name of the New London Northern Railroad Company, shall become united into one corporation under such common name, with a capital not exceeding the amount of the joint capital of both corporations ; and all the tolls, franchises, rights, powers, privileges and property, granted or to be granted or acquired under the authority of the state of Connecticut, or of this Commonwealth, shall be held and enjoyed by all the said stockholders in proportion to their number of shares in either or both of said companies.

Consolidation
with Connecticut
section of road
authorized.

Conditions.

Capital.
Rights, property,
&c.

Power of repeal.

SECTION 12. This act may be altered, amended or repealed, at the pleasure of the legislature of the Commonwealth of Massachusetts.

SECTION 13. This act shall take effect from its passage.

Approved February 24, 1860.

[1864, 10, 184; 1866, 5; 1867, 76, 140; 1868, 239.]

AN ACT to incorporate the Nahant House Company.

Be it enacted, &c., as follows :

SECTION 1. Henry Newhall, H. F. Newhall, their associates and successors, are hereby made a corporation by the name of the Nahant House Company, for the purpose of holding, improving and maintaining the public house called the Nahant House, with the buildings and appurtenances thereto belonging, situated in the town of Nahant ; and for these purposes shall have all the powers and privileges, and

Chap. 39.

Corporators.

Title.

Purpose.

Location.

Powers and duties.

be subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes passed on the twenty-eighth day of December, in the year eighteen hundred and fifty-nihe.

Capital stock.

SECTION 2. The capital stock of said corporation shall not exceed one hundred and fifty thousand dollars, which may be invested in real and personal property necessary and convenient for the purposes aforesaid.

How invested.

Approved February 24, 1860.

[1834, 53.]

Chap. 40. AN ACT in addition to an Act for incorporating certain persons for the purpose of building a Bridge over Connecticut River, in the County of Hampshire, between the Towns of Northampton and Hadley, and for Supporting the same.

Be it enacted, &c., as follows :

Liberty to extend and support

“The Proprietors of the Northampton Bridge” are hereby authorized and empowered to extend their bridge one hundred and fifty feet, north-easterly, from its present abutment in the town of Hadley, and to widen the Connecticut River at that point, by removing the earth immediately adjacent to the said abutment, for the aforesaid distance of one hundred and fifty feet.

Limit.

Approved February 24, 1860.

[1847, 209; 1848, 143; 1851, 123; 1852, 173, 251; 1853, 185; 1856, 243; 1857, 102; 1859, 12.]

ap. 42.

AN ACT concerning the Agricultural Branch Railroad.

Be it enacted, &c., as follows :

Amendment.

The sixth section of the one hundred and seventy-eighth chapter of the laws of the year one thousand eight hundred and fifty-two, is hereby amended so that the capital required to build the second section of the Agricultural Branch Railroad shall be one hundred thousand dollars; and the capital required to build the third section shall be fifty thousand dollars.

Capital for second and third sections.

Approved February 24, 1860.

[1861, 57, 202; 1862, 124; 1865, 2, 170; 1867, 83, 153.]

[1853, 173.]

Chap. 43. AN ACT in addition to An Act to incorporate the Trustees of the House of the Angel Guardian.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. John B. Fitzpatrick, Manasses Dougherty, and George F. Haskins, their associates and successors, who were made a corporation by the name of the Trustees of the House of the Angel Guardian, by an act passed the twenty-third day of April, in the year one thousand eight hundred and fifty-three, shall continue to be a corporation,

Title.

with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the act aforesaid; and every contract, agreement and obligation heretofore made or entered into by the said corporation, or which shall hereafter be made or entered into by them, shall have the same validity and effect as the same would have if there had been no defect, informality, irregularity or omission in the original organization, or in the perpetuation of the said corporation.

Powers and duties.

Previous acts and doings legalized.

SECTION 2. Said corporation may, at any meeting duly notified and called for the purpose, by the persons named in this act, and holden within ninety days after the passage thereof, proceed to the choice of officers, and may do all other acts and things which rightfully pertain to the said corporation.

Organization.

SECTION 3. This act shall take effect from its passage.

Approved February 24, 1860.

[1849, 194; 1850, 268; 1851, 335; 1852, 47; 1853, 311; 1854, 421, 447.]

AN ACT to extend the time within which to construct a portion of the Midland Railroad. *Chap. 44.*

Be it enacted, &c., as follows:

The time within which the Midland Railroad Company may construct that portion of their railroad which was originally incorporated as the Southbridge and Blackstone Railroad Company, is hereby extended to the first day of May, in the year eighteen hundred and sixty-one: *provided, however, that any person whose land or other property has been taken by said railroad company, shall have one year in addition to the time now allowed to avail himself of the remedies provided in the sixty-third chapter of the General Statutes, passed on the twenty-eighth day of December, in the year eighteen hundred and fifty-nine.*

Time extended.

Proviso.

Approved February 24, 1860.

[1860, 205; 1861, 44, 155; 1862, 126; 1863, 116.]

[1855, 407; 1858, 147.]

AN ACT in addition to An Act entitled "An Act to authorize Edmund T. Dana and others to construct dams and dikes in Cambridge." *Chap. 45.*

Be it enacted, &c., as follows:

The time within which Edmund T. Dana and others were authorized by chapter one hundred and forty-seven of the acts of the year one thousand eight hundred and fifty-eight, to construct dams and dikes in Cambridge, is hereby extended one year.

Time extended.

Approved February 24, 1860.

[1861, 102.]

[1856, 214.]

Chap. 46.

AN ACT to protect the Fishery in Marshpee.

*Be it enacted, &c., as follows :*Taking of trout
forbidden within
certain limits.

SECTION 1. No person shall take any trout in Marshpee River, extending to and including all the waters into which said river empties from the westerly side as far as the water flows, to a line drawn due east and west across the northerly end of Poppenessett Island, so called, thence on the same line east to the centre of the channel which forms the line of division between Barnstable and Marshpee, thence by said line of division northerly, till it meets a line drawn due east from the mouth of Quawker's River, so called, thence west to the mouth of said Quawker's River, and thence by the shore to the said Marshpee River, from the fifteenth day of September in each year, to the twentieth day of March in the year next ensuing.

Other restric-
tions.

SECTION 2. No person, except the proprietors of said district, shall take any trout in said river and the waters aforesaid, described in the first section, at any time, without a written permit from the treasurer of Marshpee, which shall specify the time when, and the places where, the person holding the same is allowed to fish. And no person shall at any time use any other means of taking trout in said river and waters described as aforesaid, than by angling with hooks and lines.

Manner of taking
fish.

Regulations.

SECTION 3. The said district may, by vote in legal meeting, make any regulations or by-laws respecting said fishery, not repugnant to the provisions of this act; and the income from said fishery shall inure wholly to said district.

Penalty.

SECTION 4. Any person offending against the provisions of this act, or any regulations or by-laws passed by authority of the third section of this act, shall forfeit and pay a fine of twenty dollars for each and every offence, to be recovered by prosecution before any trial justice in the county of Barnstable, to the benefit of said district.

Penalty.

SECTION 5. Any person who shall have in his possession any trout, knowing the same to have been taken from said river, contrary to the provisions of this act, shall forfeit the sum of fifty cents for every trout so found in his possession.

Penalty against
minors.

SECTION 6. If any minor shall offend against the provisions of this act, the parent, master or guardian of such minor shall be liable, and may be prosecuted accordingly therefor.

Lease of fishery.

SECTION 7. The said district, at any regular meeting, with notice in the warrant that the subject will be acted on, may authorize the selectmen of said district to lease or dispose of

the trout or herring fishery belonging to said district, from time to time, for terms of time not exceeding twenty years in any one lease, the proceeds to go into the treasury for the benefit of the district; and they may elect and appoint two or more fish wardens to protect said fishery. All prosecutions under this act shall be commenced within one year from the time when the offence is committed. Fish wardens.

SECTION 8. The thirty-sixth chapter of the year eighteen hundred and forty-nine, and the fifth section of chapter one hundred eighty-six of the year eighteen hundred and fifty-three, and chapter one hundred and five of the year eighteen hundred and fifty-nine, are hereby repealed. Repeal.

SECTION 9. This act shall take effect from and after the first day of March next.

Approved February 24, 1860.

[1864, 150.]

[Special Laws, vol. 2, p. 528, vol. 3, pp. 40, 141, 488; 1817, 156; 1830, 1; 1843, 27; 1848, 150; 1850, 302; 1857, 223.]

AN ACT concerning the Proprietors of Neponset Bridge.

Chap. 47.

Be it enacted, &c., as follows:

SECTION 1. The proprietors of Neponset Bridge, after deducting from the amount now remaining in their hands, arising from tolls collected, such sums as they are authorized to retain, including the expenses of proceedings for the dissolution of the corporation, are empowered to pay over the residue of such sum to the trustees of said bridge for the uses of their trust. Proprietors to pay surplus earnings to trustees.

SECTION 2. This act shall take effect from its passage.

Approved February 24, 1860.

[1861, 192; 1863, 83.]

[1854, 257; 1857, 76, 77; 1859, 168.]

AN ACT amending the Charter of the City of Fall River.

Chap. 48.

Be it enacted, &c., as follows:

SECTION 1. The annual election in the city of Fall River, which is now by law held on the first Monday of March, shall, in future, be held on the first Monday of December; and the mayor, aldermen, common councilmen and ward officers chosen at said election, shall hereafter enter upon the duties of their respective offices on the first Monday in January, annually, and shall hold their said offices for the term of one year thereafter, and until others are chosen and qualified in their stead. Annual election.

SECTION 2. This change shall take effect on the first Monday of December, in the year one thousand eight hundred and sixty; and the term of office of the mayor, alder- Term of office, &c.

When to take effect.

men, common councilmen and ward officers, elected on the first Monday of March, in the year one thousand eight hundred and sixty, shall expire on the first Monday of January, in the year one thousand eight hundred and sixty-one.

Amendment.

SECTION 3. The provisions of chapter one hundred and sixty-eight of the acts of eighteen hundred and fifty-nine, entitled "An Act amending the charter of the city of Fall River," are so far amended as to limit the first official year of the school committee elected under it, to the first Monday of January in the year one thousand eight hundred and sixty-one; and the official year of said school committee shall thereafter commence on the first Monday of January in each year.

School committee.

Act to be void unless accepted.

SECTION 4. This act shall be void unless the inhabitants of the said city of Fall River, at a legal meeting called for that purpose, shall, by a majority of the voters present and voting thereon, by ballot, determine to adopt the same.

SECTION 5. This act shall take effect from and after its passage.

Approved February 24, 1860.

[1862, 25; 1863, 142.]

Chap. 49.

AN ACT to incorporate the Arms Academy.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Ebenezer Maynard, of Buckland, Carver Hotchkiss, and Samuel T. Field, of Shelburne, their associates and successors, are hereby made a corporation by the name of the Arms Academy, in the village of Shelburne Falls, Franklin County, Massachusetts; with all the powers and privileges set forth in the thirty-second chapter of the General Statutes, passed December twenty-eighth, in the year eighteen hundred and fifty-nine.

Title.

Powers and duties.

Real and personal estate.

SECTION 2. Said corporation may hold real and personal estate to the amount of fifty thousand dollars.

Approved February 24, 1860.

[1860, 50.]

Chap. 50.

AN ACT to authorize the Towns of Buckland and Shelburne to aid in the purchase of Lands, and the erection of Buildings for the Arms Academy in Shelburne Falls.

Be it enacted, &c., as follows:

Amount authorized.

SECTION 1. Each of the towns of Buckland and Shelburne, in the county of Franklin, is hereby authorized to subscribe and pay into the funds of the Arms Academy, in the village of Shelburne Falls, in Franklin County, the sum of twenty-five hundred dollars, agreeable to and for the

purposes set forth in the last will and testament of the late Ira Arms, of Shelburne, deceased, which will is dated October twenty-ninth, in the year one thousand eight hundred and fifty-eight, and proved October eighteenth, in the year one thousand eight hundred and fifty-nine.

SECTION 2. Said towns are hereby authorized to raise, by loans or taxes, any sums of money which shall be required for the purposes of this act. May raise by loan or tax.

SECTION 3. The town of Buckland and the town of Shelburne are hereby exempted from the requirements contained in the fifth section of the twenty-third chapter of the Revised Statutes, and the acts in addition thereto, so long as the Arms Academy shall furnish gratuitous education to the youth of those towns, agreeable to the provisions of the will of the late Ira Arms, as indicated in this bill: *provided*, the said towns raise and appropriate the sums of money as indicated in the preceding sections of this act. Exemption. Proviso.

Approved February 24, 1860.

AN ACT to incorporate the Phenix Fire Insurance Company.

Chap. 55.

Be it enacted, &c., as follows:

SECTION 1. Samuel White, John J. Marsh, Eleazer A. Porter, their associates and successors, are hereby made a corporation by the name of the Phenix Fire Insurance Company, to be established in the town of Haverhill, for the purpose of making insurance against losses by fire, and the risks of inland and coastwise navigation and transportation; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the fifty-eighth chapter of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine, and in all other general statutes that have been or may hereafter be enacted relating to insurance companies. Corporators. Title. Location. Purpose. Powers and duties.

SECTION 2. The said corporation shall have a capital stock of fifty thousand dollars, divided into shares of one hundred dollars each, with liberty to pay in and increase the same to an amount not exceeding one hundred thousand dollars; and shall have a right to hold real estate for its own use to an amount not exceeding fifteen thousand dollars. Capital stock and shares. May increase capital. Real estate.

Approved March 5, 1860.

[1861, 117.]

AN ACT to incorporate the Hoosac Valley Agricultural Society.

Chap. 56.

Be it enacted, &c., as follows:

Clement Harrison, Edward R. Tinker, Rodman H. Wells, their associates and successors, of Berkshire and Franklin Corporators.

Title.	counties, are hereby made a corporation under the name of
Purpose.	the Hoosac Valley Agricultural Society, for the encouragement of agriculture and the mechanic arts, by premiums and other means, in the town of Adams, North Village, in the county of Berkshire; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixtieth, sixty-sixth and sixty-eighth chapters of the General Statutes, passed December twenty-eighth, in the year eighteen hundred and fifty-nine. And said corporation may hold and manage real estate not exceeding in value five thousand dollars, and personal estate not exceeding the same sum, for the purpose aforesaid, any provision of law to the contrary notwithstanding: <i>provided, however</i> , said society shall not receive a sum exceeding four hundred dollars, annually, from the treasury of the Commonwealth for premiums.
Location.	
Powers and duties.	
Real and personal estate.	
Proviso.	

Approved March 5, 1860.

Chap. 58. AN ACT to change the Name of the Second Precinct in Rochester, to the First Precinct in Mattapoisett.

Be it enacted, &c., as follows:

Name changed to
"First Precinct
in Mattapoisett."

SECTION 1. The religious society in the town of Mattapoisett, in the county of Plymouth, known by the name of the Second Precinct in Rochester, is hereby allowed to take the name of the First Precinct in Mattapoisett.

Act to be accept-
ed.

SECTION 2. This act shall take effect from the time of its acceptance by the aforesaid Second Precinct in Rochester, at any legal meeting called for that purpose, and held within six months from the passage of this act.

Approved March 5, 1860.

Chap. 59. AN ACT to incorporate the Dean Library Association.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Luther Metcalf, Clark Partridge, William H. Cary, John Cole, A. LeBaron Munroe, their associates and successors, are hereby made a corporation by the name of the Dean Library Association, to be established in the town of Medway, and in "the village," so called, in the county of Norfolk, for the purpose of maintaining a library and reading room, and promoting public instruction by lectures or otherwise; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes.

Title.

Location.

Purpose.

Powers and duties.

Real and personal estate.

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding in the whole, ten thousand dollars.

SECTION 3. This act shall take effect from its passage.

Approved March 9, 1860.

AN ACT to incorporate the Mount Adnah Cemetery Company.

Chap. 61.

Be it enacted, &c., as follows :

SECTION 1. Nathaniel Duley, George Norwood, Thomas Corporators.
Chard, William Bragdon, their associates and successors,
are hereby made a corporation, by the name of the Mount Title.
Adnah Cemetery Company ; for the purpose of establishing Purpose.
and perpetuating a place for the burial of the dead, to be Location.
located in the town of Gloucester, in the county of Essex ; and shall have all the powers and privileges, and be sub- Powers and du-
ject to all the duties, liabilities and restrictions, set forth ties.
in the sixtieth and sixty-eighth chapters of the General
Statutes.

SECTION 2. Said corporation may hold real and personal Real and personal
estate necessary and convenient for the purposes afore- estate.
said, not exceeding in amount the sum of five thousand
dollars.

SECTION 3. This act shall take effect from its passage.

Approved March 9, 1860.

AN ACT defining the Times of holding the Criminal Terms of the Superior
Court for the County of Essex.

Chap. 62.

Be it enacted, &c., as follows :

SECTION 1. The terms of the superior court, for the Newburyport,
transaction of criminal business in the county of Essex, Lawrence and
shall be holden at Newburyport, on the second Monday of Salem.
May ; at Lawrence, on the second Monday of October ; and
at Salem, on the fourth Monday of January, annually.

SECTION 2. All writs, processes, bonds and recognizances, Returns, when to
which shall be made returnable to said court, at Salem, on be made.
the fourth Monday of October next, shall be returned to,
be entered at, and have day in, the term of said court
to be held at Lawrence, on the second Monday of October
next.

SECTION 3. This act shall take effect on the second day of
June next.

Approved March 9, 1860.

[1852, 32, 167 ; 1853, 276 ; 1854, 1 ; 1855, 42 ; 1857, 263.]

AN ACT concerning the Danvers Railroad Company.

Chap. 63.

Be it enacted, &c., as follows :

The act entitled " An Act concerning the Danvers Rail- Repeal.
road Company, and the Boston and Maine Railroad,"
approved May thirtieth, in the year eighteen hundred and
fifty-seven, is hereby repealed.

Approved March 10, 1860.

[Special Laws, vol. 1, p. 174; vol. 2, p. 257. 1848, 294; 1857, 268; 1858, 108; 1859, 122.]

Chap. 64.

AN ACT in addition to an Act relating to Essex Bridge.

Be it enacted, &c., as follows:

Rates of toll.

SECTION 1. The toll upon the Essex bridge, for each chaise, or other pleasure carriage or sleigh, drawn by one horse, shall be five cents, and the toll for each coach, or other pleasure carriage or sleigh, or carriage or sleigh for passengers, drawn by two horses, ten cents, subject to such commutation as is now provided by law.

Agent's duties.

SECTION 2. The agent of said bridge shall make all contracts for lumber and materials for the repair of said bridge, and superintend all repairs thereon, and, quarterly, pay over to the treasurer of the Commonwealth all such money as he shall have received for tolls thereon, except such thereof as he shall have paid out for the repairs or maintenance of said bridge, or the compensation of the toll-gatherers; and all sums due for such repairs, maintenance or compensation, may be paid by said agent out of said money, or by the treasurer of the Commonwealth, out of the Essex bridge fund: *provided*, that no money shall be so paid by the agent and the treasurer, except in pursuance of appropriations made in each year by the general court; and the said agent shall not incur any liability for the repairs and maintenance thereof, in any one year, beyond the amount appropriated therefor in the same year.

Proviso.

Repairs.

Proviso.

SECTION 3. Whenever said agent considers such mode of repair expedient and economical, he may repair the ends of said bridge, by filling and making the same solid: *provided*, that not more than four hundred feet in length on the Salem end, and not more than one hundred feet in length on the Beverly end, shall be so filled in, without express authority of the general court.

Liability for injury.

SECTION 4. Any person who breaks or injures said bridge, its wharves, piers or appurtenances, shall be liable to said agent for the amount of such damages in an action of tort.

Liability for injury by vessels.

SECTION 5. If any vessel, through the negligence or carelessness of the master, or others having charge thereof, injures said bridge, its wharves, piers or appurtenances, the master and owners thereof shall be jointly liable to said agent therefor in an action of tort.

Liability for wilful injury, &c.

SECTION 6. Whoever wilfully injures or damages said bridge, its wharves, piers or any of its appurtenances, or disturbs or hinders the draw-tender or toll-gatherer in the discharge of his legitimate duties, or, without the consent of

the agent, moors any scow, vessel or raft to said bridge or its appurtenances, shall forfeit a sum not exceeding fifty dollars, to the use of the Commonwealth, to be recovered by complaint or indictment.

SECTION 7. The governor and council are hereby authorized to appoint three commissioners, to adjust all outstanding claims and matters of difference between the Commonwealth and the proprietors of Essex bridge, on such terms as they shall deem just and reasonable; and whenever the said corporation shall comply with the terms of such adjustment, the treasurer of the Commonwealth shall release the said corporation from all further liability to the Commonwealth on account of said bridge: *provided*, that if no such adjustment shall have been made, or the terms thereof shall not have been complied with before the first day of July next, the attorney-general shall commence proceedings against said corporation and its officers, as provided in the first section of the two hundred and sixty-eighth chapter of the acts of the year one thousand eight hundred and fifty-seven. Commissioners to be appointed.

SECTION 8. No load weighing more than five tons shall cross said bridge, without the consent of the agent or toll-gatherer, and for such toll as they shall determine; and the owner of such load shall be liable for all damage to said bridge thereby, to be recovered by the agent, in an action of tort; and any suit commenced under the provisions of this act, by an agent of said bridge, may be prosecuted by, and in the name of, his successor; and no such action shall abate, by reason of the change of agent. Regulations of weight, &c.

SECTION 9. The agent of Essex bridge shall receive a salary of two hundred and fifty dollars per annum, which sum shall be in full for all of his services. Salary of agent.

SECTION 10. All acts and parts of acts inconsistent with this act, are hereby repealed. Repealing section.

SECTION 11. This act shall take effect from its passage.

Approved March 13, 1860.

[1867, 163; 1868, 309.]

[1846, 98; 1853, 24.]

AN ACT to authorize the Charlestown Gas Company to extend their Pipes and Conductors into the Town of Medford.

Chap. 66.

Be it enacted, &c., as follows:

SECTION 1. The Charlestown Gas Company are hereby authorized to extend their gas-pipes and conductors into that part of the town of Medford which adjoins the town of Somerville, for the purpose of supplying the inhabitants liv- Extension authorized.

- Proviso.** ing in said part of Medford with gas : *provided*, that said company shall not extend their pipes and conductors at a greater distance north of Broadway, in Medford, than one hundred and fifty feet, without the written consent of the directors of the Malden and Melrose Gas Light Company.
- Sinking pipes.** SECTION 2. For the purpose named in the preceding section, the Charlestown Gas Company, with the consent of the selectmen of Medford, shall have power and authority to open the ground in any part of the streets, lanes and highways in said part of Medford, for the purpose of sinking and repairing such pipes and conductors as may be necessary therefor; and after opening the ground in such streets, lanes and highways, they shall be held to put the same again in repair, under the penalty of being prosecuted for a nuisance : *provided*, that the said selectmen for the time being, shall have power at all times to regulate, restrict and control the acts and doings of the Charlestown Gas Company in Medford, which may in any manner affect the health, safety or convenience of any of the inhabitants thereof.
- Repairs of streets, &c.**
- Proviso.**

SECTION 3. This act shall take effect from and after its passage.

Approved March 13, 1860.

[1864, 37.]

[1859, 150.]

Chap. 67. AN ACT to annex a part of the District of Marshpee to the Town of Sandwich.

Be it enacted, &c., as follows :

"Fish purchase" annexed to Sandwich.

Bounds.

SECTION 1. The balance of that tract of land known as the Fish purchase, lying within the district of Marshpee, in the county of Barnstable, which was not set off from said district and annexed to the town of Sandwich, in the county aforesaid, by chapter one hundred and fifty of the acts of eighteen hundred and fifty-nine, is hereby set off from said district and annexed to said town of Sandwich; said purchase being bounded as follows, to wit: Beginning at the south-west corner of Sandwich on the east side of Falmouth road; thence southerly by said road, about one hundred and fifty-one rods, to a heap of stones which lies eighty rods southerly of the house lot of Simeon Fish, deceased; thence easterly by a range of marked trees, about two hundred and fifty-one rods, into the water of Marshpee pond, at the head of Pickerel Cove; thence through the water of said pond easterly, and northerly through that part of the pond called Wakepee pond, to the corner of land set to Bethiah Hazard by the commissioners of partition of the common

lands of Marshpee, about the year eighteen hundred and forty-two; thence westerly on a right line by said Bethiah's land, by a range of trees marked, to an old maple stump by Pimplico pond; thence northerly, by said Bethiah's land, to a stump and stones near Peters' pond, to the line of Sandwich; thence by said line to Falmouth road at the starting point; reserving, nevertheless, to the said district of Marshpee, all rights and privileges in Marshpee and Wakepee ponds, and to the regulation and control of the fisheries therein.

Reserve to District of Marshpee.

SECTION 2. Benayah Collins and Virgil B. Collins, within the limits of Marshpee aforesaid, with their polls and estates lying within said district, are hereby set off from said district and annexed to said town of Sandwich; and the said Benayah Collins and Virgil B. Collins shall be entitled, from and after the passage of this act, to all the rights and privileges of inhabitants of the town of Sandwich: *provided, nevertheless,* that by the passing of this act no change whatever shall be made in any rights and privileges in and unto that part of Marshpee River which passes through their estates, and that said Marshpee shall have the same jurisdiction over the waters of said river that she now has, and to the regulation and control of the fisheries therein.

Persons set off.

Proviso.

Jurisdiction.

SECTION 3. This act shall take effect from and after its passage.

Approved March 13, 1860.

AN ACT to incorporate the Worcester South-East Agricultural Society.

Chap. 68.

Be it enacted, &c., as follows:

Aaron C. Mayhew, Orison Underwood, B. D. Godfrey, Henry Chapin, B. Wood and C. F. Chapin, their associates and successors, are hereby made a corporation by the name of the Worcester South-East Agricultural Society, for the encouragement of agriculture and the mechanic arts, by premiums and other means, in the town of Milford, in the county of Worcester, for said county of Worcester, and the counties of Norfolk and Middlesex; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixtieth, sixty-sixth and sixty-eighth chapters of the General Statutes, passed December twenty-eighth, one thousand eight hundred and fifty-nine: and said corporation may hold and manage real estate not exceeding in value five thousand dollars, and personal estate not exceeding the same sum, for the purposes aforesaid.

Corporators.

Title.

Purpose.

Location.

Powers and duties.

Real and personal estate.

Approved March 13, 1860.

[1863, 20.]

[1856, 275.]

Chap. 69. AN ACT to increase the Capital Stock of the Shelburne Falls Bank.
Be it enacted, &c., as follows :

\$50,000 additional capital stock.

Shares.

Proviso.

Remonstrance.

Conditions.

Tax, &c.

Certificate to be returned to secretary.

SECTION 1. The president, directors and company of the Shelburne Falls Bank, in the town of Shelburne, and village of Shelburne Falls, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, to be divided into shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole be paid in before the first day of June, in the year one thousand eight hundred and sixty-one.

SECTION 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing, to the cashier of the bank, on or before the first day of May next; and if the persons so objecting, legally represent one-third part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

SECTION 3. The additional capital stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, provisions and restrictions, to which the present capital stock of said corporation is now subject.

SECTION 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECTION 5. This act shall take effect from and after its passage.

Approved March 13, 1860.

[1852, 148; 1859, 251.]

Chap. 71. AN ACT to change the Westerly Terminus of the Eastern Avenue.
Be it enacted, &c., as follows :

Repeal.

Location of bridge changed.

Proviso.

So much of the act to incorporate the Eastern Avenue Corporation, passed on the twenty-fourth day of April, one thousand eight hundred and fifty-two, as requires their bridge and avenue to run in a direct line to the foot of Summer Street is hereby repealed; and said corporation are hereby authorized so to change the location of their bridge and avenue, that it may run in a direct line either to Drake's Wharf or to Russia Wharf, opposite Congress Street, or to any point between said wharves: *provided*, such new location shall be within the commissioners' lines, and the location shall be made by said corporation, and

approved by the mayor and aldermen of the city of Boston, within one year from the passage of this act; and, *provided*, P.viso. also, that nothing contained in this act, shall in any way conflict with the provisions of the one hundred and third chapter of the resolves of the year eighteen hundred and fifty-nine.

Approved March 14, 1860.

[1861, 79; 1862, 163; 1865, 55, 72; 1868, 326.]

[1821, 90; 1824, 14; 1830, 58; 1849, 217.]

AN ACT to increase the Capital Stock of the Columbian Bank.

Chap. 72.

Be it enacted, &c., as follows:

SECTION 1. The president, directors and company of the Columbian Bank, in Boston, are hereby authorized to increase their present capital stock by an addition thereto of two hundred and fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of November, in the year one thousand eight hundred and sixty. \$250,000 additional capital stock. Shares. P.viso.

SECTION 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing, to the cashier of the bank, on or before the first day of July next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act. Remonstrance. Conditions.

SECTION 3. The additional capital aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject. Tax, &c.

SECTION 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned to the office of the secretary of the Commonwealth. Certificate to be returned to secretary.

SECTION 5. This act shall take effect from and after its passage.

Approved March 14, 1860.

[1821, 91; 1824, 18; 1830, 58; 1849, 217; 1853, 228.]

AN ACT to increase the Capital Stock of the Eagle Bank.

Chap. 73.

Be it enacted, &c., as follows:

SECTION 1. The president, directors and company of the Eagle Bank, in Boston, are hereby authorized to increase their present capital stock, by an addition thereto of three hundred thousand dollars, in shares of one hundred dollars \$300,000 additional capital stock. Shares.

Proviso.	each, which shall be paid in such instalments as the president and directors may determine : <i>provided</i> , that the whole amount shall be paid in before the first day of November, in the year one thousand eight hundred and sixty.
Remonstrance.	SECTION 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, their remonstrance shall be made in writing, to the cashier of the bank, on or before the first day of July next ; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.
Conditions.	
Tax, &c.	SECTION 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.
Certificate to be returned to secretary.	SECTION 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into the said bank, shall be returned into the office of the secretary of the Commonwealth.
	SECTION 5. This act shall take effect from and after its passage.

Approved March 14, 1860.

[1813, 134; 1815, 68; 1829, 78; 1830, 58; 1849, 217; 1850, 158; 1853, 345.]

Chap. 74.

AN ACT to increase the Capital Stock of the Tremont Bank.

Be it enacted, &c., as follows :

\$250,000 additional capital stock.	SECTION 1. The president, directors and company of the Tremont Bank, in Boston, are hereby authorized to increase their present capital stock, by an addition thereto of two hundred and fifty thousand dollars, to be divided into shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine :
Shares.	<i>provided</i> , that the whole amount be paid in before the first day of November next.
Proviso.	SECTION 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing, to the cashier of the bank, on or before the first day of July next ; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.
Remonstrance.	
Conditions.	SECTION 3. The additional capital stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.
Tax, &c.	

SECTION 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

Certificate to be returned to secretary.

SECTION 5. This act shall take effect from and after its passage.

Approved March 14, 1860.

[1854, 178.]

AN ACT to increase the Capital Stock of the Merchants' Bank, in Lowell. *Chap. 75.*

Be it enacted, &c., as follows:

SECTION 1. The president, directors and company of the Merchants' Bank, in Lowell, are hereby authorized to increase their present capital stock by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of July, in the year one thousand eight hundred and sixty.

\$50,000 additional capital stock.

Shares.

Proviso.

SECTION 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing, to the cashier of the bank, on or before the first day of July next, and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Remonstrance.

Conditions.

SECTION 3. The additional capital aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Tax, &c.

SECTION 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has actually been paid into said bank, shall be returned to the office of the secretary of the Commonwealth.

Certificate to be returned to secretary.

SECTION 5. This act shall take effect from and after its passage.

Approved March 14, 1860.

[1853, 241.]

AN ACT to increase the Capital Stock of the Lechmere Bank. *Chap. 76.*

Be it enacted, &c., as follows:

SECTION 1. The president, directors and company of the Lechmere Bank, in Cambridge, are hereby authorized to increase their present capital stock, by an addition thereto

\$50,000 additional capital stock.

Share.	of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: <i>provided</i> , that the whole amount shall be paid in before the first day of July, in the year one thousand eight hundred and sixty.
Proviso.	
Remonstrance.	SECTION 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing, to the cashier of the bank, on or before the first day of July next, and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.
Conditions.	
Tax, &c.	SECTION 3. The additional capital aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.
Certificate to be returned to secretary.	SECTION 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier under oath, that the same has actually been paid into said bank, shall be returned to the office of the secretary of the Commonwealth.
	SECTION 5. This act shall take effect from and after its passage.

Approved March 14, 1860.

[1854, 175.]

Chap. 77.

AN ACT to increase the Capital Stock of the City Bank, of Lynn.
Be it enacted, &c., as follows:

\$50,000 additional capital stock.	SECTION 1. The president, directors and company of the City Bank, in Lynn, are hereby authorized to increase their present capital stock, by an addition thereto of fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: <i>provided</i> , that the whole amount shall be paid in before the first day of November, in the year one thousand eight hundred and sixty.
Shares.	
Proviso.	
Remonstrance.	SECTION 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, their remonstrance shall be made in writing, to the cashier of the bank, on or before the first day of July next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.
Conditions.	
Tax, &c.	SECTION 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

SECTION 4. Before said corporation shall proceed to do business on said additional capital, a certificate, signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into the said bank, shall be returned into the office of the secretary of the Commonwealth.

Certificate to be returned to secretary.

SECTION 5. This act shall take effect from and after its passage.

Approved March 14, 1860.

AN ACT to incorporate the Rubber Clothing Company.

Chap. 79.

Be it enacted, &c., as follows :

SECTION 1. Charles Smead, Ferdinand D. Hughes, Leonard W. Russell, their associates and successors, are hereby made a corporation, by the name of the Rubber Clothing Company, for the purpose of manufacturing rubber clothing, and other rubber goods, in the town of Beverly, in the county of Essex ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, and in the two hundred and seventy-sixth chapter of the acts of the year eighteen hundred and fifty-seven, and in all subsequent acts relating to manufacturing corporations.

Corporators.

Title.

Purpose.

Location.

Powers and duties.

Real estate.

Capital stock and shares.

SECTION 2. Said corporation may hold real estate to the amount of seventy-five thousand dollars, for the purposes aforesaid ; and the whole capital stock shall not exceed one hundred and seventy-five thousand dollars, which shall be divided into shares of one hundred dollars each.

SECTION 3. This act shall take effect from its passage.

Approved March 15, 1860.

AN ACT to incorporate the Cape Ann Telegraph Company.

Chap. 80.

Be it enacted, &c., as follows :

SECTION 1. Addison Gott, Josiah W. Hubbard, Charles P. Thompson, and F. H. Palmer, their associates and successors, are hereby made a corporation by the name of the Cape Ann Telegraph Company ; with all the rights and privileges, and subject to the restrictions and liabilities contained in the sixtieth, sixty-fourth and sixty-eighth chapters of the General Statutes.

Corporators.

Title.

Powers and duties.

SECTION 2. Said corporation is hereby authorized to construct or purchase, maintain and use, lines of telegraph between the city of Boston and Cape Ann.

May construct and use telegraph.

SECTION 3. Said corporation may hold such real and personal estate as may be necessary for the purposes aforesaid, but their whole capital stock shall not exceed the sum of ten thousand dollars, to be divided into shares of twenty-

Real and personal estates.

Capital stock and shares.

five dollars each ; and no share in the capital stock shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall first be issued.

Rights of other persons, &c.

SECTION 4. Nothing contained in this act shall authorize said corporation to infringe upon the legal rights of any person or corporation whatever. *Approved March 17, 1860.*

Chap. 81. AN ACT ratifying the election of Town Officers in the Town of Harwich.
Be it enacted, &c., as follows :

Certain elections made valid.

SECTION 1. The election of town officers in the town of Harwich, made at the annual town meeting on the sixth day of February, in the year one thousand eight hundred and sixty, so far as the same may be illegal, for the reason that the check list was not used in the election of said officers, is hereby ratified and confirmed ; and the same shall be taken and deemed good and valid in law, to all intents and purposes whatsoever.

SECTION 2. This act shall take effect from and after its passage. *Approved March 17, 1860.*

Chap. 82. AN ACT to incorporate the Assonet Fishing Company.
Be it enacted, &c., as follows :

Corporators.

Title.

Purpose.

Powers and duties.

Penalty for trespass.

Damages against the corporation.

SECTION 1. Gilbert Winslow, John D. Wilson, and John Crane, of Freetown, their associates and successors, are hereby made a corporation by the name of the Assonet Fishing Company, for the purpose of introducing, cultivating and catching herrings or alewives, in the Assonet River and bay, so called, and the several ponds connected therewith ; and they are hereby empowered to alter such dams, and construct such race-ways, and adopt and carry out such other measures as may be necessary to secure the aforesaid purpose, subject to all the duties, restrictions and liabilities, set forth in the forty-fourth chapter of the Revised Statutes, and the sixty-eighth chapter of the General Statutes.

SECTION 2. If any person, without the permission of said corporation, shall take, catch, or haul on shore, any herrings in said river, bay, or ponds, he shall forfeit and pay for the use of said corporation, a sum not exceeding three dollars, if the quantity so taken be less than one barrel ; but if the quantity be more than one barrel, the person so offending shall forfeit and pay for each barrel of fish, so taken, the sum of five dollars, to be recovered in any court proper to try the same.

SECTION 3. If any damage shall be done by said corporation to the property of any individual not a member of the corporation, such individual shall be entitled to recover

reasonable damage, to be estimated in the same manner as damages occasioned by the laying out of highways.

SECTION 4. Nothing herein contained shall authorize said company to take or use the private property of any person, without his consent, or deprive any inhabitant of the town of Freetown of any privilege which he now has of taking any kind of fish, excepting herring, from said river, bay or ponds. Rights of company limited.

SECTION 5. This act shall take effect from and after its passage.

Approved March 17, 1860.

AN ACT to incorporate the Franklin Cemetery Association.

Chap. 84.

Be it enacted, &c., as follows:

SECTION 1. A. E. Daniels, Oliver Dean, Davis Thayer, junior, their associates and successors, are hereby made a corporation by the name of the Franklin Cemetery Association, for the purpose of establishing and perpetuating a place for the burial of the dead, to be located in the town of Franklin, in the county of Norfolk; and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine.

Corporators.

Title.

Purpose.

Location.

Powers and duties.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, not exceeding in amount the sum of five thousand dollars; and may divide the same into shares of not less than twenty-five dollars each. Real and personal estate.

Shares.

SECTION 3. This act shall take effect from its passage.

Approved March 17, 1860.

[1864, 92.]

[Special Laws, vol. 1, p. 317; vol. 2, p. 66; 1834, 87.]

AN ACT authorizing the Commissioners of the County of Middlesex to lay out Patucket Bridge as a public highway. *Chap. 86.*

Be it enacted, &c., as follows:

SECTION 1. The county commissioners of the county of Middlesex are hereby authorized and empowered to lay out as and for a highway the bridge over Merrimac River, at Patucket Falls, between Dracut and Lowell, called Patucket Bridge, in the manner now provided by law for laying out highways. County commissioners to lay out bridge.

SECTION 2. All damages which shall be sustained by the proprietors of Patucket Bridge, and by all others, by such laying out, shall be awarded and paid in the same manner as is now provided by law for the assessment and payment of damages occasioned by the laying out of highways. Damages.

Lowell and Dracut may contribute, &c.

SECTION 3. The city of Lowell and town of Dracut, or either of them, may contribute to the county of Middlesex, toward the payment of the damages that may be awarded to the proprietors of Patucket Bridge aforesaid, such proportion of said damages, or such sums as they may see fit, and may make agreements with the county commissioners as to the amount or proportion, and as to the manner of payment thereof; and they may make such agreements, either before or after such damages are awarded.

Rights of proprietors of locks and canals.

SECTION 4. Nothing herein contained shall be so construed as to authorize the county commissioners, in laying out said bridge as a highway as aforesaid, to divest or take away the right of the proprietors of the locks and canals on Merrimac River to use that part of said bridge, and the basement and substructure thereof, which was erected by them, in the manner and for the purpose such part of said bridge and the basement and substructure thereof are now used or authorized to be used by them, under an indenture made by and between the said proprietors of Patucket Bridge and said proprietors of the Locks and Canals on Merrimac River, on the eighteenth day of November, in the year eighteen hundred and forty-six, and recorded in the Middlesex registry of deeds, book four hundred and ninety-three, page four hundred and ninety-seven.

Re-imbusement to city of Lowell by proprietors of locks and canals.

SECTION 5. In the event said bridge shall be laid out by the county commissioners as and for a highway, as provided, all sums which the city of Lowell shall expend in and for the necessary repair of that part of said bridge which was erected by the said proprietors of the Locks and Canals on Merrimac River, under said indenture with said proprietors of Patucket Bridge, shall be re-imbursed to said city by said proprietors of the Locks and Canals on Merrimac River.

Approved March 20, 1860.

[1861, 8.]

Chap. 87.

AN ACT to incorporate the Bay State Fire Insurance Company.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Calvin Foster, Francis H. Dewey, and Charles L. Putnam, their associates and successors, are hereby made a corporation by the name of the Bay State Fire Insurance Company, to be located in the city of Worcester, for the purpose of making insurance against losses by fire; with all the powers and privileges, and subject to all duties, restrictions and liabilities, set forth in the fifty-eighth, sixtieth and sixty-eighth chapters of the General Statutes, passed on the twenty-eighth day of December, eighteen hundred and fifty-

Title.

Location.

Powers and duties.

nine, and all other laws that may hereafter be in force relative to insurance companies.

SECTION 2. The said corporation shall have a capital stock of one hundred thousand dollars, divided into shares of one hundred dollars each, with liberty to pay in and increase the same to an amount not exceeding three hundred thousand dollars; and said company may issue policies whenever one hundred thousand dollars of the capital stock shall be paid in.

Capital stock and shares.

Increase.

Policies, when issued.

Approved March 20, 1860.

[1854, 60.]

AN ACT to abolish the Office of Clerk of the Police Court in the Town of Milford. *Chap. 88.*

Be it enacted, &c., as follows :

SECTION 1. The office of clerk of the police court of the town of Milford is hereby abolished.

Office abolished.

SECTION 2. This act shall take effect on the first day of June next.

Approved March 20, 1860.

[1861, 158; 1864, 70.]

[1838, 19; 1844, 65; 1853, 377.]

AN ACT to regulate the Fishery in the Agawam and Half-way Pond Rivers. *Chap. 89.*

Be it enacted, &c., as follows :

SECTION 1. The town of Plymouth at its annual meeting in the month of March or April, and the town of Wareham at its annual meeting in the month of November of each year, shall choose by ballot a committee of not more than three persons each, who shall be sworn to the faithful discharge of their duties, in the manner of other town officers; which committee shall, in the month of March, annually, after a public notice of at least ten days, sell at public auction the privilege of taking the fish called alewives and shad, in the Agawam and Half-way Pond Rivers, in the county of Plymouth, at such places, not exceeding two in said towns, and on such days, not exceeding three in each week, as said committee shall agree upon and publish in their notice of sale; they shall also express in said notice the manner of taking and disposing of said fish, and the price at which the purchasers may sell them, which price shall not exceed twenty-five cents per hundred for alewives, and four cents each for shad: *provided, nevertheless*, that said committee may fix upon one place in the town of Wareham, and one day in each week for taking shad, different from the place and day of the week appointed for taking alewives.

Town of Plymouth to choose committee.

Sale of fish rights.

Regulations.

Committee meetings to be notified.

SECTION 2. The committee of the town of Plymouth, the first year after the passage of this act, and the committee of the town of Wareham, the second year, and so on alternately, forever, shall notify the town clerk of the other town concerned in said fishery, of the time and place in which said committee shall meet, ten days at least before the time of meeting; and the members of the committee present at said meeting shall constitute a quorum for doing business.

Forfeitures.

SECTION 3. If either of said towns neglects to choose its committee as aforesaid, or if the committee of either town neglects to give notice, as above required, to the other, said town so neglecting shall forfeit and pay to the use of the other which chooses such committee, or whose committee gives such notice, for each neglect, the sum of one hundred dollars.

Penalties for trespass.

SECTION 4. All persons except the purchasers as aforesaid, or those employed by them, who take any of said fish in said rivers, or in any pond or stream having communication therewith, between the first day of April and the fifteenth day of June, both inclusive, in each year, shall forfeit and pay not less than five dollars, nor more than fifty dollars for each and every offence.

Owners of dams to open passage ways for fish.

SECTION 5. The owner or occupier of any dam on said rivers, shall annually, between the fifteenth day of April and the fifteenth day of June next following, for such term of time, and in such manner as said committee directs, open a sufficient passage for said fish through said dam; and on failure of opening such passage, or of continuing the same open as aforesaid, shall forfeit and pay the sum of one hundred dollars; and said committee may open such dam, when neglected as aforesaid, at the expense of the proprietor thereof: *provided*, no more damage is thereby done the owner than is necessary to effect said purpose.

Penalty.

Proviso.

Weirs and obstructions prohibited at certain times.

SECTION 6. If any person makes any weir, or causes any obstruction to the free passage of said fish up said rivers, or makes use of any seine to take said fish in said rivers, or takes any of said fish in said rivers or in any pond or stream communicating with the same, in any other manner, or at any other time or place than such as may be approved and established by said committee, between the fifteenth day of April and the fifteenth day of June as aforesaid, he shall forfeit and pay not less than five dollars, nor more than fifty dollars, for each and every offence; and said committee shall remove such weir or obstruction at the expense of the person causing the same, and also seize, to the use and disposal of

Penalties.

said towns, any seine used as aforesaid, and make complaint to the town treasurer of either of the towns aforesaid, of any violation of this act that shall come to their knowledge.

SECTION 7. The treasurers of the aforesaid towns, respectively, shall, upon the complaint of any member of the committees aforesaid, sue for the recovery of any forfeitures incurred by a breach of any of the regulations provided in this act, and of any such further regulations as may be provided and established by said committees, in conformity to this act; and all fines and forfeitures recovered for any breaches aforesaid, except such as are provided in the third section of this act, shall, together with the proceeds of said fishery, be equally divided between said towns; and all the expenses attending said suits shall in like manner be equally borne by them. And the treasurers aforesaid, respectively, shall, in behalf of their respective towns, recover by an action on the case, of any person or corporation withholding the same, one-half part thereof, in any court proper to try said action.

How recovered,
&c.

Fines and forfeitures.

SECTION 8. The purchasers of the privilege of taking said fish shall, in all respects, conform themselves to such regulations and conditions as said committees shall publish, as aforesaid; and on failure thereof, shall forfeit and pay, for each offence, a sum not less than five dollars, nor more than fifty dollars, to be recovered in any court of proper jurisdiction.

Purchasers of
fish rights.

SECTION 9. Any member of the committees aforesaid may be admitted as a competent witness in any prosecution for a breach of any regulation as aforesaid.

Witnesses.

SECTION 10. The committee chosen in said town of Plymouth either in the months of March or April last, and the committee chosen by said town of Wareham in the month of November last, for regulating the taking of alewives in said rivers, agreeably to the provisions of the act then existing for that purpose, shall perform all the duties for the present year that are required of committees hereafter to be chosen under the provisions of this act; and they, as also committees hereafter chosen for the purposes contemplated by this act, shall receive out of the proceeds of said fishery, one dollar and twenty-five cents each for every day's service they may be actually engaged in performing the duties herein required of them.

Committees.

Their duties and
compensation.

SECTION 11. All acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

Approved March 20, 1860.

[1847, 115 ; 1850, 225 ; 1854, 116.]

Chap. 90. AN ACT in addition to an Act to incorporate the People's Mutual Fire Insurance Company, in Worcester.*Be it enacted, &c., as follows :*

§300,000 additional capital stock.

SECTION 1. The People's Mutual Fire Insurance Company, established in Worcester, may increase its capital stock to an amount not exceeding three hundred thousand dollars, at any time within two years from the passage of this act: *provided*, the mutual department of said company shall be abolished.

Proviso.

Act void unless accepted.

SECTION 2. This act shall take effect when the same is accepted by the aforesaid corporation, and all the holders of guarantee capital agree in writing to accept the same, and their agreement is copied upon the records of the corporation, and filed in the office of secretary of the Commonwealth.

Mutual department may be abolished.

SECTION 3. The company may, at any time, abolish the mutual department by a majority vote of its members; after which, all insurance made by this company, shall be on the stock plan, and subject to the restrictions and provisions of the fifty-eighth chapter of the General Statutes, passed December twenty-eighth, in the year one thousand eight hundred and fifty-nine.

Name changed to People's Fire Ins. Co.

SECTION 4. When the foregoing conditions and provisions are accepted by the aforesaid corporation, its name shall be changed from the People's Mutual Fire Insurance Company to that of the People's Fire Insurance Company.

SECTION 5. All acts and parts of acts inconsistent with this act, are hereby repealed.

Approved March 20, 1860.

[1862, 75 ; 1866, 34.]

Chap. 91. AN ACT to incorporate the Nine Mile Pond Fishing Company.*Be it enacted, &c., as follows :*

Corporators.

SECTION 1. Nelson Scudder, Daniel Scudder, Walter Chipman, Elijah Sears, their associates and successors, are hereby made a corporation by the name of the Nine Mile Pond Fishing Company, for the purpose of opening a canal or outlet from Nine Mile Pond, in Barnstable, and from Long Pond to tide-water, and maintaining the same; and for that purpose are empowered to open such canal or outlet, and to continue the same in such manner as to said corporation shall seem fit and proper; and they shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the forty-fourth chapter of the Revised Statutes, and the sixty-eighth chapter of the General Statutes.

Purpose.

Powers and duties.

SECTION 2. Any herring fishery which may be created in the canal or outlet, or the ponds aforesaid, by opening the same, or which may hereafter exist therein, shall be the property of said corporation; and if any person, without the permission of said corporation, shall take, catch, kill, or haul on shore any herrings in said canal or outlet, or in the ponds aforesaid, he shall forfeit and pay, for the use of said corporation, a sum not less than three dollars, if the quantity so taken, killed, caught, or hauled on shore be less than one barrel; but if the quantity so taken, killed, caught, or hauled on shore shall be more than one barrel, he shall forfeit and pay, for each barrel of herring so taken, and for each fraction of a barrel, the sum of five dollars, to be recovered by an action of tort in the name of said corporation, in any court of competent jurisdiction.

Fisheries.

Trespassers.

Penalties.

How recovered.

SECTION 3. Nothing herein contained shall authorize the said company to take or use the private property of any person without his consent; and any proprietor of lands adjoining said canal or outlet, may become a member of said corporation, if application be made therefor within six months from the time of the organization of said company under this act, by paying a due proportion of all expenses incurred by said corporation before the time of their admission.

Private property not to be taken.

Members of corporation.

SECTION 4. If any person not a member of said corporation shall receive damage in his lands or estate, in consequence of the opening of said canal or outlet, or in consequence of the draining of said ponds or otherwise, and the parties in interest failing to adjust said damages, the party aggrieved may apply to the county commissioners of the county of Barnstable, who are hereby authorized to determine and assess the same; and either party may appeal from the decision of said commissioners, to the superior court of the county of Barnstable, and have a trial by jury in said court.

Damages.

How determined and assessed.

SECTION 5. The said corporation, for the purposes herein set forth, and for maintaining and carrying on the fishery aforesaid, may hold real estate not exceeding two thousand dollars in value over and above the right of fishery named in the second section of this act.

Real estate.

SECTION 6. The capital stock of said corporation shall be one thousand dollars, represented by one hundred shares of ten dollars each, with the right to increase the same to three thousand dollars, by vote of said corporation.

Capital stock and shares.

Increase.

SECTION 7. Nothing herein contained shall give the corporation rights and privileges in any fishery now existing in said ponds, over and above other citizens of the town of

Existing fishing rights, &c.

Act void unless
accepted.

Barnstable; and this act shall be void unless approved by the town aforesaid, at a public town meeting, by a majority of the voters present and voting thereon.

SECTION 8. This act shall take effect from its passage.

Approved March 20, 1860.

Chap. 94.

[1854, 44.]

AN ACT to authorize the Newton and Watertown Gas Light Company to extend their Pipes into the Town of Brighton.

Extension of
pipes.

Be it enacted, &c., as follows:

SECTION 1. The Newton and Watertown Gas Light Company are hereby authorized to extend their pipes for the purpose of conducting into, and selling gas in the town of Brighton.

Opening ground
to sink pipes.

SECTION 2. Said corporation, with the consent of the selectmen of the town of Brighton, shall have power and authority to open the ground in any part of the streets, lanes and highways of said town for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid; and the said corporation, after opening the ground in said streets, lanes or highways, shall be held to put the same into repair under the penalty of being prosecuted for a nuisance: *provided*, that the selectmen of the said town, for the time being, shall at all times have power to regulate, restrict and control all the acts and doings of said corporation, which may in any manner affect the health, safety and convenience of the inhabitants of said town: *provided*, said company shall not be authorized to lay gas pipes in any streets where authority to lay such pipes has been previously granted by the selectmen of the town of Brighton, to any other company.

Repairs of high-
ways.

Proviso.

Proviso.

SECTION 3. This act shall take effect from its passage.

Approved March 20, 1860.

Chap. 95.

[1699, 9; Special Laws, vol. 3, p. 15.]

AN ACT in relation to the Towns of Lexington and West Cambridge.

Lexington and
West Cambridge
exempted from
support of Great
Bridge.

Be it enacted, &c., as follows:

SECTION 1. The towns of Lexington and West Cambridge are hereby released and exempted from all obligation to pay any portion of any charge that may hereafter arise from rebuilding, repairing, or in any way supporting or maintaining the bridge over Charles River, between the city of Cambridge and the town of Brighton, formerly known as the Great Bridge; anything in the acts incorporating said towns, and in any other act in relation to said bridge, or the support thereof, to the contrary notwithstanding.

SECTION 2. The commissioners for the county of Middlesex are hereby authorized and empowered to lay out the Great Bridge, so called, between Cambridge and Brighton, as a public highway. *Commissioners to lay out bridge as highway.*

Approved March 24, 1860.

[1860, 14.]

AN ACT in addition to "An Act to establish the City of Worcester." *Chap. 96.*
Be it enacted, &c., as follows :

SECTION 1. The city council of the city of Worcester shall, in the month of March or April, in the year eighteen hundred and sixty, elect by joint ballot, in convention, three persons to be assessors of taxes ; the person first chosen to hold office for three years, the person next chosen to hold office for two years, and the person last chosen to hold office for one year, from said election ; and said council shall in like manner, in the month of February or March, in each succeeding year, elect a member of said board, who shall hold office for the term of three years from his election. *City council to elect assessors of taxes.*

SECTION 2. In case of a vacancy in said board of assessors, by death, resignation, removal or otherwise, such vacancy shall be filled by the choice of another assessor in the manner aforesaid, who shall hold his office for the unexpired term for which the member in whose place he shall be elected would have held the same. *Vacancies.*

SECTION 3. So much of the provisions of the eighth section of "An Act to establish the city of Worcester," as relates to the election of assessors and fixing their compensation, is hereby repealed. *Repeal.*

SECTION 4. This act shall take effect from and after its acceptance by the city council of said city.

Approved March 24, 1860.

[1861, 118; 1862, 35, 148; 1863, 72; 1864, 61, 104; 1865, 196; 1866, 199; 1867, 269.]

AN ACT to authorize Charles H. Edwards to construct a Marine Railway. *Chap. 97.*
Be it enacted, &c., as follows :

Charles H. Edwards is hereby authorized to construct and maintain a marine railway in Wellfleet harbor. The said railway shall be located on and adjoining the east side of "Commercial Wharf," and shall not extend beyond the outer end of said wharf: *provided*, this grant shall in no wise impair the legal rights of any person. *In Wellfleet. Extent. Proviso.*

Approved March 26, 1860.

Chap. 98. AN ACT to authorize Edward Kimball and Nahum Perkins to extend a Wharf at Newburyport.

Be it enacted, &c., as follows :

Coombs Wharf. Edward Kimball and Nahum Perkins are hereby authorized to extend upon piles the Coombs Wharf, so called, in the city of Newburyport, sixty feet into Merrimac River ; and they shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor : *provided*, this act shall not impair the legal rights of any person or corporation whatever. *Approved March 26, 1860.*

[1857, 33.]

Chap. 99. AN ACT to authorize Andrew W. Dodd and others, of Gloucester, to extend their two Marine Railways.

Be it enacted, &c., as follows :

In Gloucester. Andrew W. Dodd, Stephen Dodd and James G. Tarr, of Gloucester, in the county of Essex, are hereby authorized to build, maintain and extend the two marine railways now owned by them to a distance of three hundred feet, from high-water mark into Smith's Cove, so called, in Gloucester harbor, in a south-easterly direction, and on a line with that part of the aforesaid railways already constructed : *provided, however*, that this act shall in no wise impair the legal rights of any other person. *Approved March 26, 1860.*

[1821, 109 ; 1822, 12, 56 ; 1829, 18, 112 ; 1830, 12 ; 1831, 65 ; R. S. 87 ; 1838, 147 ; 1853, 179.]

Chap. 100 AN ACT concerning the salaries of the Clerk and second Assistant-Clerk of the Police Court of the City of Boston.

Be it enacted, &c., as follows :

Salary of clerks. SECTION 1. The clerk of the police court of the city of Boston shall receive an annual salary of two thousand dollars, and the second assistant-clerk of said court shall receive an annual salary of fifteen hundred dollars, from the treasury of the Commonwealth.

Repeal. SECTION 2. All acts and parts of acts inconsistent with this act, are hereby repealed.

SECTION 3. This act shall take effect on the second day of June next. *Approved March 26, 1860.*

[1860, 199 ; 1861, 210 ; 1863, 197 ; 1866, 279.]

Chap. 102 AN ACT to incorporate the Pemberton Company.

Be it enacted, &c., as follows :

Corporators. SECTION 1. David Nevins, George Blackburn, Eben Sutton, their associates, successors and assigns, are hereby made a corporation by the name of the Pemberton Company, for the purpose of manufacturing cotton, woollen, linen and silk cloth and yarn, in the city of Lawrence, in the county of

Essex ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, the two hundred and seventy-sixth chapter of the acts of the year eighteen hundred and fifty-seven, and all acts passed subsequent thereto, relating to manufacturing corporations. Powers and duties.

SECTION 2. Said corporation may hold for the purposes aforesaid, real estate to the amount of four hundred thousand dollars ; and the whole capital stock of said corporation shall not exceed seven hundred thousand dollars, in shares of one hundred dollars each ; and no shares of said corporation shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares which shall be first issued. Real estate. Capital. Shares not to be issued at less than par value.

SECTION 3. This act shall take effect from its passage.

Approved March 26, 1860.

[1846, 109 ; 1851, 99 ; 1853, 155 ; 1856, 112 ; 1857, 75 ; 1860, 10.]

AN ACT to regulate the Transportation of Gunpowder within and through the City of Cambridge. *Chap. 103*

Be it enacted, &c., as follows :

SECTION 1. The city council of the city of Cambridge are hereby authorized to make and establish by-laws and ordinances, from time to time, relative to the times and places at which gunpowder may be brought to or carried from said city, by land or by water ; the times when and the manner in which the same may be transported through said city ; to direct and regulate the kind of carriages, boats, and other vehicles, in which the same may be so brought to, carried from, and transported through said city ; to direct and require all such precautions as may appear to them needful and salutary to guard against danger in the transportation thereof to, from, and through said city ; and to annex to such by-laws and ordinances suitable penalties, not exceeding one hundred dollars, for any one breach thereof. City council to make regulations. Penalties.

SECTION 2. It shall be the duty of the city council of said city to cause all such by-laws and ordinances, as they may make and establish, by virtue of the authority given by this act, to be published in two or more newspapers printed in the county of Middlesex, two weeks successively, for the information and government of all persons concerned. Publication of by-laws and ordinances.

SECTION 3. This act shall take effect from its passage, and all acts and parts of acts inconsistent herewith are hereby repealed. Repeal.

Approved March 26, 1860.

[1863, 191 ; 1865, 153 ; 1867, 68.]

[1840, 8.]

Chap. 104

AN ACT relating to the Town of Rockport.

*Be it enacted, &c., as follows :*Certain elections
legalised.

SECTION 1. All votes, proceedings and elections, had at any meetings of the inhabitants of the town of Rockport, held in the month of February in this or any former year, shall have the same effect as if said meetings had been held in the month of March or April.

SECTION 2. This act shall take effect from its passage.

Approved March 26, 1860.

[P. & W. 1844, 89; 1846, 32; 1847, 22, W. & N. 1845, 102; 1849, 18; 1852, 178; 1853, 336.]

Chap. 105

AN ACT concerning the Providence and Worcester Railroad Company, and the Worcester and Nashua Railroad Company.

*Be it enacted, &c., as follows :*Union of rail-
roads author-
ised.

SECTION 1. The Providence and Worcester Railroad Company is hereby authorized to enter with its road upon, unite the same with, and use the road of the Worcester and Nashua Railroad Company.

May enter upon
and use roads.

SECTION 2. The Worcester and Nashua Railroad Company is hereby authorized to enter with its road upon, unite the same with, and use the road of the Providence and Worcester Railroad Company.

Restriction as to
new locations.

SECTION 3. Nothing in this act contained shall empower either of said corporations to make any new location of any portions of their respective railroads.

Further restric-
tions.

SECTION 4. Nothing in this act contained shall create any new right to cross, or use any part of the lands, or tracks, of the Boston and Worcester Railroad Corporation, or enlarge, or restrict, any rights which either of said companies may now have to cross or use said lands or tracks.

SECTION 5. This act shall take effect from its passage.

Approved March 26, 1860.

[P. & W. 1863, 271.]

[1859, 187.]

Chap. 106

AN ACT in addition to an Act to incorporate the Union Steamship Company.

*Be it enacted, &c., as follows :*Routes of steam-
ships.

SECTION 1. The steamships of the Union Steamship Company, whether owned or chartered by said company, may touch at, and ply to and from any port or ports in Cuba, and any port or ports authorized by section second of the original act incorporating said company.

Personal prop-
erty.

SECTION 2. Said company may hold personal property to the amount of seven hundred thousand dollars.

SECTION 3. Said company shall be allowed nine months from the passage of this act, for its organization and the collection of the assessment or assessments, as provided in the original act of incorporation.

Time for organization, &c.

SECTION 4. This act shall take effect from and after its passage.

Approved March 26, 1860.

[1862, 200; 1863, 76; 1865, 145.]

AN ACT to incorporate the Holyoke Mills.

Chap. 107

Be it enacted, &c., as follows :

SECTION 1. John Chase, N. P. Williston, Alvin Smith, James Goodwin, George M. Bartholomew, Alfred Smith, their associates and successors, are hereby made a corporation by the name of the Holyoke Mills, for the purpose of manufacturing cotton and woollen goods, and also tools, machinery and metal work, in Holyoke, in the county of Hampden ; and said corporation shall also have power to lease to others shop-room, tools, machinery and tenements, for like or other manufacturing purposes, and shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, passed on the twenty-eighth day of December, in the year eighteen hundred and fifty-nine.

Corporators.

Title.

Purpose.

Location.

Lease.

Powers and duties.

Capital stock and shares.

Real estate.

SECTION 2. The capital stock of said corporation shall not exceed the sum of seven hundred thousand dollars, in shares of one hundred dollars each ; and it may hold real estate to the amount of four hundred thousand dollars.

SECTION 3. This act shall take effect from its passage.

Approved March 26, 1860.

AN ACT to authorize Samuel Soper to extend and maintain a Wharf.

Chap. 108

Be it enacted, &c., as follows :

Samuel Soper, proprietor of a wharf in Provincetown, is hereby authorized to maintain said wharf, and to extend the same upon his own premises, not exceeding eight hundred feet, into Provincetown harbor ; and he shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor : *provided, however*, that this grant shall in no wise impair the legal rights of any other person.

In Provincetown.

May receive dockage, &c.

Proviso.

Approved March 26, 1860.

[1810, 124.]

AN ACT to amend " An Act to prevent livery stables from being erected in certain places in the Town of Boston."

Chap. 109

Be it enacted, &c., as follows :

SECTION 1. The first section of the one hundred and twenty-fourth chapter of the statutes of the year eighteen

Amendment to chapter 124, Acts of 1811.

hundred and ten, passed on the eleventh day of February, in the year eighteen hundred and eleven, is hereby amended by inserting after the word "God" the following words, to wit: "without the consent in writing of the proprietors of such church or meeting-house, or of the religious society or parish worshipping therein, and the consent of the mayor and aldermen of the city of Boston."

SECTION 2. This act shall take effect from its passage.

Approved March 26, 1860.

Chap. 110 AN ACT to authorize Michael Walen, Jr., and others to build a Wharf in Gloucester.

Be it enacted, &c., as follows:

In Gloucester.

Michael Walen, Jr., Alfred Walen, and Christen Nelson, of Gloucester, in the county of Essex, are hereby authorized to build and maintain a wharf, not to exceed one hundred and fifty feet from high-water mark, on their land on "Rocky Neck," so called, and running into Smith's Cove, so called, in Gloucester harbor, in a south-easterly direction; and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however*, that this grant shall in nowise impair the legal rights of any person.

May receive dockage, &c.

Proviso.

Approved March 26, 1860.

[1866, 146.]

[1850, 28; 1855, 166; 1857, 207.]

Chap. 111 AN ACT to authorize the Mount Hope Iron Company to build a Wharf, and to extend their Wharf.

Be it enacted, &c., as follows:

In Somerset.

SECTION 1. The Mount Hope Iron Company are hereby authorized to build and maintain a wharf, one hundred and fifty feet in width, extending from the line of high-water mark, of their lot of land, situated in the village of Somerset, and adjoining the land of Daniel B. Eddy, to the channel of Taunton River; and shall have the right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor.

May receive dockage, &c.

Right to extend.

Direction.

Limit.

Proviso.

SECTION 2. Said Mount Hope Iron Company are further authorized to extend their wharf, situated in the southerly part of the village of Somerset, southerly, to the channel of Taunton River, and westerly, on the flats, five hundred feet: *provided, however*, that these grants shall in nowise impair the legal rights of any person or corporation.

Approved March 26, 1860.

[1868, 23.]

AN ACT to authorize George Steele, Jr., to extend his Wharf in Gloucester. *Chap. 112*

Be it enacted, &c., as follows :

George Steele, junior, proprietor of a wharf in Gloucester, is hereby authorized to extend and maintain said wharf a distance not exceeding one hundred and twenty feet in length by twenty-two feet in width, in a south-easterly direction towards the channel, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however*, that this grant shall in no wise impair the legal rights of any person.

In Gloucester.

Direction.

May receive dockage, &c.

Proviso.

Approved March 26, 1860.

AN ACT authorizing the Commissioners for the County of Bristol to lay out a Road, and construct a Bridge across Taunton Great River, in the town of Taunton. *Chap. 113*

Be it enacted, &c., as follows :

SECTION 1. The county commissioners for the county of Bristol are hereby empowered, if in their opinion the public convenience and necessity require it, to lay out a highway, and cause to be constructed a suitable and sufficient bridge over Taunton Great River; said bridge shall be constructed not less than forty feet between the abutments, and twelve feet above the water at full tide; said highway to commence at a point on Williams Street, so called, in said Taunton, near the dwelling-house of Blaney O. Godfrey, and to extend to Dean Street, so called, in said Taunton, terminating near the dwelling-house of Andrew H. Hall: and said commissioners in carrying into effect the provisions of this act, shall in all respects conform to the existing laws, relating to laying out highways.

Highway and bridge authorized.

Limits of highway.

SECTION 2. This act shall take effect from its passage.

Approved March 26, 1860.

[1864, 188.]

AN ACT to extend Eastern Wharf in the Harbor of Gloucester.

Chap. 114

Be it enacted, &c., as follows :

John W. Lowe and Edward G. Nickerson, proprietors of a wharf known as Eastern Wharf, in Gloucester harbor, are hereby authorized to extend and maintain said wharf, in its present width, sixty feet southerly and easterly into the said harbor; and they shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however*, that this grant shall in no wise impair the legal rights of any person.

In Gloucester.

May receive dockage, &c.

Proviso.

Approved March 26, 1860.

Chap. 115

AN ACT to incorporate the Citizens' Building Association.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. John H. Clifford, William J. Rotch, Charles Almy, their associates and successors, are hereby made a corporation by the name of the Citizens' Building Association, for the purpose of buying a lot of land at the intersection of Purchase and William Streets, in the city of New Bedford, and of erecting and maintaining thereon buildings necessary and convenient for a public hall and for other business purposes; and for these purposes shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, passed December twenty-eighth, in the year one thousand eight hundred and fifty-nine.

Purpose.

Location.

Powers and duties.

Capital stock and shares.

SECTION 2. The capital stock of said corporation shall not exceed one hundred and fifty thousand dollars; the same to be divided into shares of one hundred dollars each.

*Approved March 26, 1860.***Chap. 116**

AN ACT to authorize John F. Wonson to build a Wharf in Gloucester.

Be it enacted, &c., as follows :

In Gloucester.

John F. Wonson, proprietor of land and flats situated in that part of Gloucester known as Eastern Point, is hereby authorized to build and maintain thereon a wharf, extending three hundred feet in a north-westerly direction into the cove from the main road or high-water mark; and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however,* that this grant shall in no wise impair the legal rights of any person.

*Approved March 26, 1860.***Chap. 117**

AN ACT to authorize Sewell E. Jewett to build a Wharf.

Be it enacted, &c., as follows :

In Haverhill.

Sewell E. Jewett is hereby authorized to build and maintain a wharf, from his land on the northerly bank of Merrimac River, in the town of Haverhill, extending not exceeding one hundred and twenty feet from high-water mark to the channel of said river; and shall have the right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor: *provided,* that this grant shall in no wise impair the legal rights of any person or corporation.

*Approved March 26, 1860.***Chap. 118**

AN ACT to authorize Amos A. Story to extend his Wharf in Gloucester.

Be it enacted, &c., as follows :

In Gloucester.

Amos A. Story, proprietor of a wharf in Gloucester, situated in that part of the town known as Eastern Point, is

hereby authorized to extend and maintain said wharf in its present width, one hundred and fifty feet in a north-westerly direction into the cove; and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however*, that this grant shall in no wise impair the legal rights of any person.

Wharfage and dockage.

Proviso.

Approved March 26, 1860.

[1864, 34.]

AN ACT to authorize William H. Friend and others to build a Wharf in Gloucester.

Chap. 119

Be it enacted, &c., as follows:

William H. Friend and his associates, owners of land and flats in Gloucester, are hereby authorized to build and maintain a wharf in said Gloucester, extending a distance of one hundred and thirty feet in length, by eighty feet in width, in a south-easterly direction towards the channel; and they shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however*, that this grant shall in no wise impair the legal rights of any person.

Wharf in Gloucester.

Wharfage and dockage.

Proviso.

Approved March 26, 1860.

[1864, 21.]

AN ACT in relation to Salem Street Society in Worcester.

Chap. 120

Be it enacted, &c., as follows:

SECTION 1. The prudential committee of the Salem Street Society of the city of Worcester are hereby authorized to mortgage said society's meeting-house and land, to secure the payment of the debts of said society, or to borrow the money therefor, and to secure the payment thereof, by a mortgage as aforesaid, or to mortgage said house and land to secure such individuals as may indorse said society's note or notes given for the indebtedness of said society.

Mortgage of property authorized.

Purpose.

SECTION 2. This act shall take effect from its passage.

Approved March 26, 1860.

AN ACT to incorporate the Georgetown Agricultural and Social Library Association.

Chap. 122

Be it enacted, &c., as follows:

SECTION 1. Jeremiah P. Jones, Solomon Nelson, Hiram M. Couch, Richard Tenney, their associates and successors, are hereby made a corporation by the name of the Georgetown Agricultural and Social Library Association, of Georgetown, for the purposes of mental culture, the establishing and maintaining a library, and the encouragement of the arts and sciences; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes, passed

Corporators.

Name and purposes.

Powers and duties.

on the twenty-eighth day of December, eighteen hundred and fifty-nine.

Real and personal estate.

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding ten thousand dollars.

SECTION 3. This act shall take effect from its passage.

Approved March 26, 1860.

[1810, 70.]

Chap. 125

AN ACT in relation to the Berkshire Agricultural Society.

Be it enacted, &c., as follows:

Repeal.

So much of section sixteen, of chapter sixty-six, of the General Statutes, as requires the Berkshire Agricultural Society to commence its annual exhibition on the last Tuesday of September, is hereby repealed.

Approved March 29, 1860.

Chap. 126

AN ACT to incorporate the Jegar Sahadutha Lodge.

Be it enacted, &c., as follows:

Corporators.

Name and purpose.

Powers and duties.

Real and personal estate.

SECTION 1. Newman Ehrlich, Simon Reinstein and Bernard Nelson, their associates and successors, are hereby made a corporation by the name of the Jegar Sahadutha Lodge, for the purpose of raising, by means of stated contributions from the members, a fund from which pecuniary aid and assistance may be rendered to the widows and children of deceased members; and for these purposes shall have all the powers, and be subject to all the duties and liabilities, set forth in the sixty-eighth chapter of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine, so far as the same are applicable.

SECTION 2. Said corporation may take and hold, for the purposes aforesaid, real or personal estate, or both, to an amount not exceeding twenty thousand dollars.

Approved March 29, 1860.

[1822, 48; 1825, 46; 1826, 113; 1859, 59.]

Chap. 127

AN ACT to extend the "Act to authorize the Chicopee Manufacturing Company to change the par value of its shares, and to issue new shares."

Be it enacted, &c., as follows:

Extended one year.

SECTION 1. The provisions of the "Act to authorize the Chicopee Manufacturing Company to change the par value of its shares and to issue new shares," approved on the twenty-sixth day of February, in the year one thousand eight hundred and fifty-nine, are hereby extended and continued in force for one year from the twenty-sixth day of February, in the year one thousand eight hundred and sixty.

SECTION 2. This act shall take effect from its passage.

Approved March 29, 1860.

[1864, 20; 1868, 88.]

AN ACT to incorporate the Boston and Virginia Steamship Company. *Chap. 129*
Be it enacted, &c , as follows :

SECTION 1. Edward S. Tobey, Amos A. Lawrence, Francis K. Fisher, J. B. Robinson, Daniel L. Winsor, Charles Soule, junior, their associates and successors, are hereby made a corporation, by the name of the Boston and Virginia Steamship Company, for the purpose of navigating the ocean by steam ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. The said company are hereby authorized to build, purchase, charter, hold, and convey one or more steamships, and may therewith navigate the ocean between Boston, Massachusetts, and one or more ports in the state of Virginia, and may enter into such contracts as they may deem expedient, to run steamships between such ports.

Right to hold ships, &c.

Routes defined.

SECTION 3. The said company may hold personal property to an amount not exceeding two hundred thousand dollars.

Personal property.

SECTION 4. If the said corporation shall not, within one year from the passage of this act, have been organized, and have laid and collected an assessment or assessments to the amount of ten per cent. upon the capital stock, and shall not, within three years from the passage of this act, have placed on the aforesaid route at least one steamship for the purposes of said company, and shall not use the same for the purposes in this act expressed, then this act shall become null and void.

Time of organization, &c., limited.

SECTION 5. This act shall take effect from and after its passage.

Approved March 30, 1860.

[1845, 144.]

AN ACT for supplying the Records of the Cohasset Mutual Fire Insurance Company. *Chap. 131*

Be it enacted, &c., as follows :

SECTION 1. Caleb Nichols, of Cohasset, is hereby authorized to supply the records of the Cohasset Mutual Fire Insurance Company, for the stockholders' meeting of the second of January, eighteen hundred and sixty, and the directors' meeting of the same day ; and such records, when so supplied, signed and sworn to before any justice of the peace, shall be deemed and taken to be the original records of said company, and shall have the same force and effect as if made by the secretary thereof at the date of the meet-

Certain records and proceedings legalized.

ings of said second day of January ; and notwithstanding the omission of said records so authorized to be supplied, the corporate acts of said company, or its officers, otherwise legally elected at or subsequently to said meetings of said second day of January, shall be deemed and considered to be legal and valid.

SECTION 2. This act shall take effect from its passage.

Approved March 30, 1860.

[1868, 18.]

Chap. 132 AN ACT to authorize John Kiley to build a Wharf in Provincetown Harbor.

Be it enacted, &c., as follows :

Wharf in Provincetown.

Wharfage and dockage.

Proviso.

John Kiley is hereby authorized to build a wharf in Provincetown harbor, to extend it to a distance at which there shall be six feet of water at low tide ; and he shall have the right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor : *provided*, that this grant shall not impair the legal rights of any other person.

Approved March 30, 1860.

[1835, 42; 1844, 4; 1855, 2.]

Chap. 133 AN ACT to increase the Capital Stock of the Old Colony Insurance Company.

Be it enacted, &c., as follows :

\$50,000 additional capital stock.

Shares.

Proviso.

The Old Colony Insurance Company, in the town of Plymouth, is hereby authorized to increase its capital stock, by an addition thereto of the sum of fifty thousand dollars, to be divided into shares of one hundred dollars each : *provided*, the same shall be paid in within three years from the passage of this act.

Approved March 30, 1860.

[1864, 76.]

[1849, 103.]

Chap. 134 AN ACT to authorize George H. Rogers to build Wharves in Gloucester Harbor.

Be it enacted, &c., as follows :

Wharf in Gloucester.

Wharfage and dockage.

Proviso

George H. Rogers is hereby authorized to build and maintain a wharf or wharves at the southerly side of Fort Point, in the town of Gloucester, from land owned by him, commencing at western terminus of the grant made to him in eighteen hundred and forty-nine, as described in the one hundred and third chapter of the acts of that year, and extending westerly six hundred and fifty feet by the shore, and extending southerly not exceeding sixty feet from low-water mark ; and shall have the right to lay vessels at said wharf or wharves, and receive wharfage and dockage therefor : *provided*, that this act shall in no wise impair the legal rights of any person whatever.

Approved March 30, 1860.

[1863, 30; 1865, 5; 1866, 145.]

AN ACT to establish the City of Taunton.

Chap. 136

Be it enacted, &c., as follows :

SECTION 1. The inhabitants of the town of Taunton shall continue to be a body politic and corporate under the name of the City of Taunton, and as such shall have, exercise and enjoy all the rights, immunities, powers and privileges, and be subject to all the duties and obligations now incumbent upon and appertaining to said town as a municipal corporation.

City of Taunton established.

SECTION 2. The administration of the financial, prudential and municipal affairs of said city, and the government thereof, shall be vested in one principal officer, to be styled the mayor, one council of eight, to be called the board of aldermen, and one council of twenty-four, to be called the common council, which boards, in their joint capacity, shall be called the city council ; and the members thereof shall be sworn to the faithful performance of the duties of their respective offices. A majority of each board shall constitute a quorum for the transaction of business, and no member of either board shall ever receive any compensation for his services.

Mayor, aldermen and common council.

SECTION 3. It shall be the duty of the selectmen of Taunton, within twenty days after the passage of this act, and its acceptance by the inhabitants, as hereinafter provided, to divide said town into eight wards, to contain, as nearly as conveniently may be, an equal number of inhabitants, which proceedings of the selectmen shall be subject to the revision of the city council within one year after the passage of this act ; and it shall be the duty of the city council every fifth year thereafter, and not oftener, to revise, and, if it be needful, to alter said wards in such manner as to preserve, as nearly as may be, an equal number of inhabitants in each ward, which division of the town into wards, by said selectmen, shall be by them reduced to writing, and subscribed, and shall be recorded by the town clerk for the time being, with the records of said town of Taunton.

Selectmen of Taunton to divide the town into wards.

City council to equalize wards every five years.

SECTION 4. On the fifth Monday next after the day this charter shall have been accepted by the inhabitants of Taunton, as is hereinafter provided, and on the first Monday in December in each succeeding year, there shall be chosen, by ballot, in each of said wards, a warden, clerk, and three inspectors of elections, residents of the wards in which they are chosen, who shall hold their offices for one year, and until others shall have been chosen in their places, and qualified to act. It shall be the duty of such warden to preside at all ward meetings, with the powers of a moderator of a

Wardens, clerks, and inspectors of elections.

Their duties.

town meeting ; and if at any ward meeting the warden shall not be present, the clerk of such ward shall call the meeting to order, and preside until a warden *pro tempore* shall be chosen by ballot ; and if at any ward meeting the clerk shall not be present, a clerk *pro tempore* shall be chosen by ballot. The clerk shall record all the proceedings, and certify the votes given, and deliver to his successor in office all such records and journals, together with all other documents and papers held by him as such clerk ; and it shall be the duty of the inspectors of elections to assist the warden in receiving, assorting and counting the votes. And the warden, clerk and inspectors so chosen shall respectively make oath or affirmation faithfully and impartially to discharge their several duties relative to all elections, which oath may be administered by the clerk of such ward to the warden, and by the warden to the clerk and inspectors, or by any justice of the peace for the county of Bristol ; and a certificate that said oath has been taken shall be entered upon the records of the ward by the clerk thereof. All warrants for meetings of the citizens for municipal purposes to be held either in wards or in general meetings, shall be issued by the mayor and aldermen, and shall be in such form, and shall be served, executed and returned, in such manner and at such times as the city council may, by any by-law, direct ; and said warrants, with the returns of the officer serving the same thereon, shall be recorded by the city clerk.

Warrants for meetings.

Mayor, aldermen and common councilmen, how elected.

SECTION 5. The mayor shall be elected by the qualified voters of the city at large, voting in their respective wards ; and one alderman and three common councilmen shall be elected from and by the voters of each ward, being residents in the wards when elected. All said officers shall be chosen by ballot, and shall hold their offices from their election and qualification, in the year one thousand eight hundred and sixty, till the first Monday in January, in the year one thousand eight hundred and sixty-two, and for one year from the first Monday in January in each succeeding year, and until others shall be elected and qualified to fill their places.

School committee.

SECTION 6. The school committee shall consist of twenty-four, and shall be elected, three from and by the voters of each ward, who shall be residents of the ward when elected ; of which three the person who receives the highest number of votes, or in case two or more receive an equal number of votes, the person who is senior by age, shall hold the office till the first Monday in January, in the year eighteen hundred and sixty-four, and the person who receives the next highest number of votes, or who is senior by age in the con-

tingency aforesaid, shall hold the office till the first Monday in January, in the year eighteen hundred and sixty-three, and the other person shall hold his office till the first Monday in January, in the year eighteen hundred and sixty-two; and at the annual election in the year eighteen hundred and sixty-one, and at each subsequent annual election, one person shall be chosen from and by the voters of each ward to be a member of the school committee for the term of three years from the first Monday of January next following. In case of a vacancy in the school committee, occasioned by the decease or resignation of any member thereof, or of his inability to perform the duties of his office, the city council, in convention, shall elect a person to fill the same, who shall hold his office until the next annual election of municipal officers, and until another shall be chosen and qualified in his stead; and at said annual election a person shall be elected to said office, in the manner herein beforeprovided, who shall hold the same for the residue of the unexpired term. The school committee shall be chosen by ballot, and shall receive no pay for their services.

Vacancies, how filled.

SECTION 7. The several school districts in the town of Taunton shall elect their own prudential committees in the manner now provided by law, which committees, when chosen, shall be subject to the same obligations, and perform the same duties, and have the same authority that prudential committees of the several school districts in the town of Taunton have.

Prudential committees of school districts.

SECTION 8. Annually, in the month of January, the aldermen and common council shall meet in convention, and shall elect by ballot eight assessors of taxes, one from each ward, who shall hold their offices for one year from and after their election, and until others shall be elected and qualified in their places; they shall be severally sworn to the faithful discharge of their duties, which oath shall be administered by the mayor, in a meeting of the board of aldermen, and they shall receive the same pay for their services as is now allowed assessors for towns, by the laws of this Commonwealth. The board of aldermen and common council shall, at the same time, choose from the citizens at large three overseers of the poor, no two of whom shall be residents of the same ward, who shall hold their offices for the same length of time, and shall be qualified in the same manner as is herein before provided for assessors, and who shall receive the same compensation as is now provided by law for overseers of the poor in towns. The said assessors and overseers of the poor shall constitute, respectively, the board

Assessors of taxes, how chosen.

Compensation.

Overseers of the poor.

Compensation, &c.

Taxes.	of assessors and board of overseers of the poor, and they shall have, respectively, all the powers, and shall be subject to all the duties and liabilities that assessors and overseers of the poor in towns now have, under existing laws. And all taxes shall be assessed, apportioned and collected in the manner prescribed by the laws of this Commonwealth: <i>provided, however</i> , that the city council may establish further or additional provisions for the collection thereof.
Proviso.	
First and subsequent elections of city officers.	<p>SECTION 9. On the fifth Monday next after the day this charter shall have been accepted by the inhabitants of Taunton, as is hereinafter provided, and on the first Monday in December in each succeeding year, the qualified voters in each ward shall give in their votes for mayor, aldermen, common councilmen, school committee, warden, clerk, and inspectors, as provided in the preceding sections; and all the votes so given shall be assorted, counted, declared and registered, in open ward meeting, by causing the names of persons voted for, and the number of votes given for each, with designations of the office, to be written in the ward records, in words, at length. The clerk of the ward, within twenty-four hours after such election, shall deliver to the persons elected aldermen, common councilmen and school committee, certificates of their election, signed by the warden and clerk, and by a majority of the inspectors of elections, and shall within the same time deliver to the city clerk a copy of the records of such elections, certified in like manner: <i>provided, however</i>, that if the choice of aldermen, councilmen and school committee cannot be conveniently effected on that day, the meeting may be adjourned from time to time to complete such election.</p>
Certificates of elections.	
Proviso.	
Mayor elect to be notified.	<p>The board of aldermen shall, as soon as conveniently may be, examine the copies of records of the several wards, certified as aforesaid, and shall cause the person who has been elected mayor to be notified in writing, of his election; but if it shall appear that no person has received a plurality of votes, or if the person elected shall refuse to accept the office, the board of aldermen shall issue their warrants for a new election, and the same proceedings shall be had as are herein before provided for the choice of mayor, and repeated from time to time until a mayor shall be chosen. If it shall appear that the whole number of school committee at large have not been elected the same proceedings shall be had as are herein before provided for the choice of mayor.</p>
Warrants for new elections in certain cases.	
Non-election of school committee.	
Mayor <i>pro tem</i> in case of vacancy.	<p>In case of the decease, resignation or absence of the mayor, or of his inability to perform the duties of his office, the board of aldermen and the common council shall, in conven-</p>

tion, elect a mayor for the time being, who shall serve until another is chosen, or until the occasion causing the vacancy is removed.

The oath prescribed by this act shall be administered to the mayor by the city clerk, or by any justice of the peace for the county of Bristol. The aldermen and common councilmen elect shall, on the first Monday of January, in the year one thousand eight hundred and sixty-two, and of every subsequent year, at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to them by the mayor or by any justice of the peace, and a certificate that such oath has been taken shall be entered on the journal of each board by the clerk thereof.

Administration
of oaths.

When it shall appear that no mayor has been elected previous to the said first Monday in January, in the year eighteen hundred and sixty-two, and the first Monday in January, in each succeeding year, the mayor and aldermen for the time being shall make a record of that fact; an attested copy of which the city clerk shall read at the opening of the convention held as aforesaid. After such oath has been administered the two boards shall separate, and the common council shall organize by the choice of a president and clerk, to hold their offices during the pleasure of the common council; the clerk to be sworn to the faithful performance of his duties.

Non-election of
mayor.

In case of the absence of the mayor elect on the first Monday in January, the city government shall organize in the manner herein before provided, and may proceed to business in the same manner as if the mayor were present; and at any time thereafter, in convention of the two branches, the oath of office may be administered to the mayor and to any member of the city council who may have been absent at the organization. In the absence of the mayor at any meeting, the board of aldermen may choose a chairman *pro tempore*, who shall also preside at any joint meetings of the two boards during such absence.

Absence of mayor
elect.

Each board shall keep a record of its own proceedings, and judge of the election of its own members; and in case of a failure of election, or in case of any vacancy declared by either board, the mayor and aldermen shall issue their warrants for a new election.

Judges of elec-
tions.
Vacancies.

SECTION 10. The mayor thus chosen and qualified shall be the chief executive officer of the city; it shall be his duty to be vigilant in causing the laws, ordinances and regulations of the city to be enforced, and keep a general supervision over the conduct of all subordinate officers, and to

Powers and du-
ties of the mayor.

	cause their neglect of duty to be punished ; he may call special meetings of the boards of aldermen and common council, or either of them, when necessary in his opinion, by causing notices, in writing, to be left at the place of residence of the several members ; he shall communicate, from time to time, to both boards, such information, and recommend such measures as in his opinion the interests of the city may require ; he shall preside in the board of aldermen and in convention of the two boards, but shall have only a casting vote ; his salary shall be three hundred dollars a year and no more, and he shall receive no other compensation.
Salary.	
Powers, and duties of mayor and aldermen.	SECTION 11. The executive power of said city, generally, and the administration of the police, with all the powers heretofore vested in the selectmen of Taunton, shall be vested in the mayor and aldermen as fully as if the same were herein specially enumerated. And the mayor and aldermen shall have full and exclusive power to appoint a constable and assistants, or a city marshal and assistants, with powers and duties of constables and all other police officers, and may remove the same, when, in their opinion, sufficient
Salary of marshal	cause for removal exists. The salary of the marshal shall be fixed by the city council, but shall not exceed the sum of two hundred dollars a year. All other powers now vested in the inhabitants of said town, and all powers granted by this act, shall be vested in the mayor and aldermen and common council of said city, to be exercised by concurrent
Proviso.	vote, each board to have a negative upon the other : <i>provided, however</i> , that said city council shall at no time make any appropriation except for the necessary expenses of the city, and shall not at any time create a city debt exceeding the sum of fifteen thousand dollars, without the consent of a majority of the qualified voters of said city regularly voting thereon in their respective wards, at meetings duly warned and held for that purpose.
City debt. Appropriations, &c.	
City treasurer, city clerk and collector of taxes.	The city council shall, annually, as soon as convenient after their organization, elect by joint ballot in convention, a city treasurer, collector of taxes, and city clerk, who shall be one and the same person, and he shall have a salary of eight hundred dollars a year, and no more ; and the city council shall, in such manner as they may determine, by any by-law made for that purpose, appoint or elect all subordinate officers, not herein otherwise directed, for the ensuing year, define their duties and fix their compensations in cases when such duties and compensations shall not be defined and fixed by the laws of this Commonwealth. All
Other officers.	

sittings of the mayor and aldermen, of the common council and of the city council, shall be public, when they are not engaged in executive business. The city council shall take care that money shall not be paid from the treasury, unless granted or appropriated; shall secure a just and prompt accountability, by requiring bonds, with sufficient penalty and sureties, from all persons intrusted with the receipt, custody or disbursement of money; shall have the care and superintendence of city buildings, and the custody and management of all city property, with power to let or sell what may be legally let or sold; and to purchase property, real or personal, in the name and for the use of the city, whenever its interest or convenience may, in their judgment, require it. And the city council shall, as often as once a year, cause to be published, for the use of the inhabitants, a particular account of receipts and expenditures, and a schedule of the city property and the city debt.

All sittings to be public.

Of the public money.

Public buildings and property.

Accounts, &c., to be published.

SECTION 12. In all cases in which appointments are directed to be made by the mayor and aldermen, the mayor shall have the exclusive power of nomination, subject to confirmation or rejection by the board of aldermen. No person shall be eligible to any office of emolument, the salary of which is payable out of the city treasury, who, at the time of his appointment, shall be a member of the board of aldermen, or of the common council; and neither the mayor nor any aldermen or member of the common council, shall at the same time, hold any other office in the city government, except that any member of either board may serve as mayor when a vacancy shall occur in that office, and the mayor *ex officio* shall be a member of and preside over the board of assessors, but without any additional compensation therefor.

Nominating power.

Eligibility to office.

SECTION 13. The city clerk shall be clerk of the board of aldermen, and shall be sworn to the faithful performance of his duties. He shall perform such duties as shall be prescribed by the board of aldermen, and shall perform all the duties, and exercise all the powers, by law incumbent upon or vested in the town clerk of Taunton.

City clerk.

His duties.

SECTION 14. The city council shall have the same power in relation to the laying out, accepting, widening, altering or discontinuing of streets and ways, and the assessment of damages therefor, which selectmen and inhabitants of towns now by law have; but all petitions and questions relating to laying out, accepting, widening, altering or discontinuing any street or way, shall be first acted upon by the mayor and aldermen.

Streets and ways.

Right of appeal
for redress of
grievances.

Any person aggrieved by the proceedings of the city council in the exercise of such powers, shall have the same right of appeal to the county commissioners of the county of Bristol, as is given by the laws of the Commonwealth to appeal from the decision of selectmen or the inhabitants of towns.

Board of health.

SECTION 15. All the power and authority now by law vested in the board of health for the town of Taunton shall be transferred to and vested in the city council, to be carried into execution in such manner as the city council shall deem expedient.

Drains and sewers.

SECTION 16. The city council shall have authority to cause drains and common sewers to be laid through any streets or private lands, paying the owners such damages as they may sustain thereby; and may require all persons to pay a reasonable sum for the privilege of opening any drain into said public drain or sewer.

Election of representatives to general court.

SECTION 17. The mayor and aldermen shall, in each year, issue their warrants for calling meetings for the election of the whole number of representatives to the general court to which said city is by law entitled; and the number shall be specified in the warrant.

Elections by the people, how to be held and conducted.

SECTION 18. All elections for county, state and United States officers, who are voted for by the people, shall be held at meetings of the citizens qualified to vote at such elections, in their respective wards, at the time fixed by law for these elections respectively; and at such meetings all the votes given for said officers respectively shall be assorted, counted, declared and registered, in open ward meeting, by causing the names of all persons voted for, and the number of votes given for each, with the designation of the office, to be written in the ward records in words at length. The ward clerk shall forthwith deliver to the city clerk a certified copy of the record of such elections. The city clerk shall forthwith record such returns, and the mayor and aldermen shall, within two days after every such election, examine and compare all said returns, and make out a certificate of the result of such elections, to be signed by the mayor and a majority of the aldermen, and also by the city clerk, which shall be transmitted or delivered in the same manner as similar returns are now by law to be made by selectmen of towns. And in all elections for representatives to the general court, in case the whole number proposed to be elected shall not be chosen by a plurality of the votes legally returned, the mayor and aldermen shall forthwith issue their warrant for

a new election, conformably to the provisions of the constitution and the laws of the Commonwealth.

SECTION 19. Prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward, qualified to vote in such elections, in the manner in which selectmen of towns are required to make out lists of voters; and for that purpose they shall have full access to the assessors' books and lists, and be entitled to the assistance of all assessors and city officers; and they shall deliver said lists, so prepared and corrected, to the clerks of said wards, to be used at such elections; and no person shall be entitled to vote whose name is not borne on such lists. Ward lists.

SECTION 20. General meetings of the citizens qualified to vote, may from time to time be held, to consult upon the public good, to instruct their representatives, and to take all lawful measures to obtain redress for any grievances, according to the right secured to the people by the constitution of this Commonwealth. And such meetings may and shall be duly warned by the mayor and aldermen, upon the requisition of thirty qualified voters. General meetings of citizens.

SECTION 21. The city council may make by-laws, with suitable penalties, for the inspection, survey, measurement and sale of lumber, wood, coal and bark brought into the city for sale; and all such other salutary and needful by-laws as towns may make and establish, and may annex penalties thereto not exceeding twenty dollars for the breach thereof; which by-laws shall be in force from and after the time therein respectively limited, without the sanction of any court or other authority. All such by-laws and all city ordinances shall be published in such manner as the city council may direct; and all fines for the breach of any by-law or ordinance shall be paid into the city treasury, and shall inure to such uses as the city council shall direct. By-laws for inspection of lumber, wood, &c.

SECTION 22. All fines, forfeitures and penalties accruing for the breach of any by-laws of the city of Taunton, or of any of the ordinances of the city council, or of any of the orders of the mayor and aldermen, may be prosecuted for and recovered before the police court in said city of Taunton, by complaint or information, in the same way and manner in which criminal offences are now prosecuted before the police courts within this Commonwealth; reserving, however, in all cases, to the party complained of and prosecuted, the right of appeal to the superior court then next to be held in the county of Bristol, from the judgment and sentence of the police court. And the appeal shall be allowed on the same terms, and the proceedings shall be conducted therein Recovery of fines and forfeitures.

Rights of appeal.

in the same manner as provided by the one hundred and seventy-third chapter of the General Statutes of the Commonwealth. And it shall be sufficient in all such prosecutions to set forth in the complaint the offence, fully, plainly, substantially and formally; and it shall not be necessary to set forth such by-laws, ordinance or order, or any part thereof.

Failure of recognition.

When any person upon any conviction before the police court for any breach of any by-law of said city of Taunton, or any of the ordinances of the city council, or any of the orders of the mayor and aldermen, shall be sentenced to pay a fine, or ordered to pay any penalty or forfeiture provided by any such by-law, ordinance or order; or, upon claiming an appeal, shall fail to recognize for his appearance at the court appealed to, and there to prosecute his appeal, and to abide the sentence or order of the court thereon, and in the mean time to keep the peace and be of good behavior; and upon not paying the fine, penalty or forfeiture, and cost so assessed upon him, he shall be committed to prison, there to remain until he shall pay such fine, forfeiture, or penalty and costs, or be otherwise discharged, according to law.

Fire districts.

SECTION 23. Whenever within three months after the acceptance of this charter, as hereinafter provided, the several fire districts now legally established in the town of Taunton, shall by a vote of a majority of the legal voters in each of said districts, present and voting at a meeting of each district legally called and holden for that purpose, vote to relinquish to the city of Taunton all the property of said fire districts, the clerk for the time being of each district shall forthwith certify such vote to the mayor and aldermen, and thereupon all the property of said several fire districts shall be vested in and become the property of the city, and the city shall pay all the debts and liabilities of said several fire districts existing on the day this act takes effect. And thereupon said fire districts shall be abolished, and it shall be the duty of the city council forthwith to organize and establish a fire department in said city; and the city council shall have full power and authority to organize such fire department and to make and establish all necessary rules and regulations for the management of the same, and to provide for the choice or appointment of a chief engineer and assistant-engineers, and such other officers and members of the fire department as the city council may deem necessary, and may prescribe the compensation to which each officer and member of the fire department shall be entitled. The chief engineer and assistant-engineers so chosen or appointed, shall be sworn to the faithful performance of their duties,

Fire department.

and shall have all the authority, and shall be subject to all the duties and responsibilities now provided by law for chief and assistant engineers of fire districts and fire wardens of towns.

SECTION 24. For the purpose of organizing the system of government hereby established, and putting the same into operation, in the first instance, the selectmen of the town of Taunton, for the time being, shall, seven days at least before the fifth Monday next after the day of the acceptance of this charter, as is hereinafter provided, issue their warrants, calling meetings of the citizens of said town of Taunton, to be holden on said Monday, at such places and hour in the several wards as they may deem expedient, for the purpose of choosing a warden, clerk and inspectors, for each ward, and all other officers whose election is provided for in the preceding sections of this act; and the transcript of the records of each ward, specifying the votes given for the several officers aforesaid, certified by the warden and clerk of such ward at said first meeting, shall be forthwith returned to the said selectmen, whose duty it shall be to examine and compare the same; and in case the election should not be completed at the first meeting, then to issue new warrants until the election shall be completed: and notice in writing shall be given by said selectmen to the several persons elected.

Town meeting to be called by selectmen for first choice of ward officers.

At said first meeting, any inhabitant of said ward, being a legal voter, may call the citizens to order, and preside until a warden shall have been chosen. And at said first meeting a list of the voters in each ward, prepared and counted by the selectmen for the time being, shall be delivered to the clerk of each ward when elected, to be used as herein before provided.

Organization of meeting.

The selectmen shall appoint such time for the first meeting of the city council within ten days from and after the election of city officers, as is provided in this section, or a majority of the members of both the board of aldermen and common council, as they shall think proper, and shall also fix upon the place and hour of such first meeting; and notice of the day, hour and place of said first meeting shall be published in the newspapers printed in said town, and a written notice thereof shall be sent by the selectmen to the place of abode of the city officers chosen as is provided in this section.

First meeting of city council.

After the first election of city officers, and the first meeting for the organization of the city council, as in this section is provided, the day of holding all subsequent elections and the day and hour for the meeting of the city council for the

Subsequent elections.

purpose of organization, shall remain as provided in the fourth and ninth sections of this act. It shall be the duty of the city council immediately after their first organization, to elect all necessary city officers, who shall hold their offices, respectively, until others are chosen and qualified to act in their places.

Town records to be delivered to city clerk.

SECTION 25. All officers of the town of Taunton having the care and custody of any records, papers or property belonging to said town, shall deliver the same to the city clerk within one week after his entering upon the duties of his office.

Repeal.

SECTION 26. All such acts and parts of acts as are inconsistent with the provisions of this act, are hereby repealed.

Amendment by legislature.

SECTION 27. Nothing in this act contained shall be so construed as to prevent the legislature from altering or amending the same whenever they shall deem it expedient.

City charter to be accepted by citizens of Taunton.

SECTION 28. This act shall be void unless the inhabitants of the town of Taunton, at a legal meeting called for that purpose, at which the selectmen shall preside, and the check list be used in the same manner as at meetings called to choose state officers, and the polls be kept open ten hours, shall, by a majority of the voters present and voting thereon, yea or nay, by a written or printed ballot, determine to adopt the same on the last Monday of April next after its passage.

SECTION 29. This act shall take effect from and after its passage.

Approved March 31, 1860.

[1861, 206; 1864, 188, 209, 217; 1866, 1, 45, 51, 54; 1867, 352.]

[1837, 229; 1840, 35; 1841, 60; 1847, 234, 278; 1848, 314; 1849, 204; 1850, 216, 317; 1851, 254; 1853, 385; 1855, 310; 1856, 293, 297, 301.]

Chap. 137

AN ACT in addition to an Act concerning the Harbor of Boston.
Be it enacted, &c., as follows:

Regulations concerning extension of wharves.

SECTION 1. So much of the third section of an act entitled "An Act in addition to an act concerning the harbor of Boston," passed on the third day of May, in the year one thousand eight hundred and fifty, as provides that the proprietors of the wharves and flats, by said act authorized to be extended, shall extend said wharves and the lines of their respective flats in a direction at right angles to the line established by said act, is hereby repealed, and the proprietors of said wharves and flats are hereby authorized to extend their wharves and the lines of their respective flats to the line established by said act in the directions in which the said lines of their respective flats were originally established between said proprietors.

SECTION 2. Whenever the said proprietors lay out or appropriate for any street or streets any portion of the said flats or wharves, the city of Boston may at any time accept and lay out as and for a public street or streets the portion or portions of said flats or wharves by said proprietors so laid out and appropriated, or any part of the same, which portions so accepted shall thereupon, and without any further act of the said proprietors, and without any compensation to them or any of them therefor, vest in the said city of Boston.

Public streets
laid out by pro-
prietors of
wharves.

SECTION 3. Each and every one of the said proprietors of said flats, or of any part thereof, who, at the expiration of two years from the passage of this act, have failed or neglected to cause a good and substantial sea-wall to be built and maintained in front of his or their respective flats on the line established by said act, passed on the third day of May, in the year one thousand eight hundred and fifty, shall forfeit all rights acquired under said act last mentioned, or under this act.

Sea-walls.

Approved March 31, 1860.

[1860, 176, 205; 1861, 137, 176; 1864, 315; 1868, 326.]

[1842, 76.]

AN ACT concerning Drains and Sewers in the Town of Somerville.

Chap. 139

Be it enacted, &c., as follows :

SECTION 1. The selectmen of the town of Somerville may lay, make and maintain in said town, all such drains or common sewers, through the lands of any persons or corporations, as they shall adjudge to be necessary for the convenience or the health of its inhabitants, and may repair all such drains or common sewers, from time to time, whenever repairs thereof shall be necessary.

Selectmen may
lay drains and
sewers.

SECTION 2. Whenever any lands or real estate shall be taken, by virtue of this act, the said selectmen shall proceed in the taking thereof, in the same manner, in all respects, as they now are, or hereafter may be required by law to proceed, in taking land for town ways; and all persons and corporations suffering damage in their property, by reason of the laying, making or maintaining, of any drains or common sewers, as aforesaid, shall have all the rights and remedies, for the ascertainment and the recovery of the amount of such damage, which are now or hereafter may be provided by law for the ascertainment and the recovery of damage for lands taken for town ways.

Rights and reme-
dies.

SECTION 3. This act shall take effect from and after its passage.

Approved March 31, 1860.

[1807, 92; 1811, 164; 1832, 122.]

Chap. 140 AN ACT concerning the Hingham and Quincy Turnpike and Bridges.
Be it enacted, &c., as follows :

County commis-
sioners of Norfolk
and Plymouth to
lay out highways.

Apportionment
of damages.

Proviso.

Repair of bridges.

Disposal of toll-
houses.

Superintendence
of bridges.

Expenses of
bridges.

SECTION 1. The county commissioners of the counties of Norfolk and Plymouth, severally, may, with the assent of the Hingham and Quincy Bridge and Turnpike Corporation, lay out those portions of the turnpike, ways, draws and bridges of said corporation, which are within the limits of their respective counties, as common highways, in accordance with the provisions of this act, and have and exercise the same powers relating thereto, as are now had and exercised in the laying out of turnpikes, excepting that in the allowance and payment of damages, the county commissioners of the county of Norfolk shall allow, and pay from the treasury of said county two-thirds, and the county commissioners of the county of Plymouth shall allow and pay from the treasury of that county one-third of the gross amount which may be mutually agreed upon by said boards of commissioners, before laying out, as aforesaid, said turnpike, ways, draws and bridges, as damages therefor: *provided, however*, that the town of Hingham shall refund to the county of Plymouth one-third of the sum so paid by said county, and the towns of Weymouth and Quincy, jointly, shall refund to the county of Norfolk, in such proportions as the commissioners for said county may determine, one-third of the sum so paid by that county; and excepting, also, that the said commissioners shall have the care of the repair and maintenance of said bridges, and the toll-houses hereinafter named, as is hereinafter provided for.

SECTION 2. Said commissioners, jointly, are hereby authorized to purchase, receive and hold, as trustees, the toll houses belonging to said corporation, and the land upon which said houses stand; and the purchase money for said land and houses shall be paid by said counties, and in part refunded by said towns in the same proportions as the damages awarded by the commissioners, as provided in the first section.

SECTION 3. Said commissioners, jointly, shall have the superintendence of said bridges, and cause them to be kept in good repair, and safe and convenient for travel, with draws and passage-ways for vessels, and shall provide draw-tenders and other necessary agents, and discharge the duties hitherto incumbent upon said corporation, relative to the care and maintenance of said draws and bridges; and they shall also have the care and superintendence of said toll-houses.

SECTION 4. The expenses of the repairs and maintenance of said bridges, draws and toll-houses, including the salaries

of draw-tenders and other necessary agents, shall be paid by the counties of Norfolk and Plymouth, in the proportion of two-thirds by the county of Norfolk, and one-third by the county of Plymouth; and the towns of Weymouth and Quincy shall refund to the county of Norfolk one-third of the sum it pays under the provisions of this section, in the proportion of five parts by the town of Weymouth, and three parts by the town of Quincy; and the town of Hingham shall refund to the county of Plymouth one-third of the sum it pays in accordance with the provisions of this section.

SECTION 5. If either of said towns refuses or neglects to refund to its county the proportion of the damages and expenses for which it is liable under the provisions of this act, the same proceedings may be had to enforce payment as in the case of expenses of making highways by the commissioners when towns neglect to make the same.

Proceedings, in case either town refuses to refund damages.

SECTION 6. Liability for defects in said bridges and draws shall exist on the part of the towns wherein they respectively lie, in like manner as in cases of defects in town ways; and the damages which may be recovered for such defects shall be paid by said counties, and one-half of the same refunded to them, in the same manner as the expenses of repairs and maintenance of said bridges.

Damages for defects in bridges and draws.

SECTION 7. In case the commissioners for said counties, and said corporation, do not mutually agree upon the sum to be paid to said corporation as damages for the laying out of said ways and bridges, as aforesaid, within six months from the passage of this act, then the said commissioners, jointly, shall agree upon and determine the sum to be paid to said corporation, as damages for such laying out; and the same shall be awarded as damages therefor, jointly, by said commissioners; but the same shall be allowed and paid by said counties, and refunded in part by said towns, in the proportions indicated in the first section of this act: *provided, however,* that the said corporation shall have the right of appeal to a jury from the joint award of said commissioners, in the same manner as a party aggrieved by the doings of county commissioners in the estimation of his damages, occasioned by laying out of a highway; except that the application for such jury shall be made to, and acted on by the commissioners for the county of Norfolk.

Commissioners to award in case of disagreement.

Proviso.

SECTION 8. In case of appeal to a jury from the award of said boards of commissioners, the costs properly incurred by said commissioners for Norfolk County, on account of said appeal, and the amount recovered by said corporation, as damages and costs, shall be paid by said counties and

Damages and costs in case of appeal to a jury.

towns in the proportions specified in the first section of this act.

Duties of commissioners.

SECTION 9. Said commissioners shall annually, in the month of January, file in the office of the secretary of the Commonwealth, a statement, duly verified by oath, of the amount of expenditures for repairs and maintenance in the execution of said trust during the year ending on the thirty-first day of December preceding; and the commissioners for each of said counties shall also, annually, in said month of January, notify, in writing, the clerks of each of said towns within their respective counties, of the sum due from that town to the county for its proportion of the expenses incurred under the provisions of this act.

SECTION 10. This act shall take effect from its passage.

Approved March 31, 1860.

[1862, 177.]

[Special Laws, vol. 7, p. 816; 1808, 11; 1824, 2; 1825, 117; 1852, 250.]

Chap. 141 AN ACT to authorize the Proprietors of Boston Pier, or Long Wharf, to extend their Wharf.

Be it enacted, &c., as follows:

May extend wharf to commissioners' line.

Provided.

Alterations in wharf, how to be made.

SECTION 1. The proprietors of Boston Pier, or Long Wharf, are hereby authorized to drive piles and extend their wharf to the commissioners' line; but no part of said wharf shall extend beyond the commissioners' line: *provided*, this act shall not impair the legal rights of any person or corporation.

SECTION 2. Any alteration of said wharf, as authorized in the foregoing section of this act, shall be done in accordance with the provisions of the resolves concerning flats and shores belonging to the Commonwealth, passed on the sixth day of April, in the year one thousand eight hundred and fifty-nine.

Approved March 31, 1860.

[1849, 97; 1854, 10, 202; 1855, 476.]

Chap. 142 AN ACT in addition to an Act to incorporate the Conway Stock and Mutual Fire Insurance Company.

Be it enacted, &c., as follows:

Change of name under conditions.

Powers and duties.

SECTION 1. Whenever the Conway Fire Insurance Company avails itself of the provisions of the fourth section of chapter four hundred and seventy-six of the acts of the general court of the year eighteen hundred and fifty-five, the mutual business of said company may be continued at Conway, under the name of the Conway Mutual Fire Insurance Company, subject to all the laws and restrictions, and entitled to all privileges applicable to mutual insurance companies in this Commonwealth; and thereafter said company may keep

its principal office for the stock department of its business, in the city of Boston, under the name of the Conway Fire Insurance Company.

Location of principal office.
Title.

SECTION 2. No intermingling of the mutual and stock insurance business shall be lawful by such company, or either branch thereof, after the separation of the business of the two departments, according to the provisions of the first section of this act; but separate and distinct boards of directors and officers, shall be chosen for each branch of its business.

Departments of business to be distinct.

SECTION 3. This act shall take effect from its passage.

Approved March 31, 1860.

[1864, 200.]

AN ACT to incorporate the Beverly Mechanics' Railway Company.
Be it enacted, &c., as follows:

Chap. 144

SECTION 1. Richard J. Preston, Richard Picket, William G. Woodbury, John Picket, their associates and successors, are hereby made a corporation by the name of the Beverly Mechanics' Railway Company; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine.

Corporators.

Title.

Powers and duties.

SECTION 2. Said company are hereby authorized to build a marine railway in Beverly harbor, near the old ferry way, so called, in Beverly, and to extend the same into said harbor from the south line of Water Street, to a distance not exceeding three hundred and thirty feet: *provided, however*, that this act shall in no wise impair the legal rights of any person or corporation.

Location and purpose.

Proviso.

SECTION 3. The capital stock of said company shall not exceed five thousand dollars, to be divided into shares of one hundred dollars each.

Capital stock and shares.

Approved March 31, 1860.

[1855, 420.]

AN ACT to authorize the Constitution Wharf Company to extend their Wharf.

Chap. 146

Be it enacted, &c., as follows:

SECTION 1. The Constitution Wharf Company is hereby authorized to drive piles and extend their wharf towards the channel, to the commissioners' line; but no part of said wharf shall extend beyond said commissioners' line: *provided*, they shall not interfere with the legal rights of any person or corporation.

May extend wharf.

Proviso.

SECTION 2. Any alteration of said wharf, as authorized in the foregoing section of this act, shall be done in accord-

Reference to resolve of 1859.

ance with the provisions of the "Resolve concerning flats and shores belonging to the Commonwealth," passed on the sixth day of April, in the year one thousand eight hundred and fifty-nine.

Approved April 2, 1860.

[1814, 165.]

Chap. 147 AN ACT in relation to the Powers of Constables in the City of Boston.
Be it enacted, &c., as follows :

Constables to
serve writs, pro-
cesses, &c., on
conditions, &c.

SECTION 1. Any constable in the city of Boston, who shall have given to the treasurer of the city of Boston, a bond, with sureties in a sum not less than three thousand dollars, to the satisfaction of the said treasurer, with condition for the faithful performance of his duties in the service of all civil processes which may be committed to him, and shall have caused the same, with the approval of the mayor and aldermen of said city indorsed thereon, to be filed in the office of the city clerk of said city, may, within the said city of Boston, serve any writ or other process in any personal action, and any process in replevin which constables are now by existing provisions of law authorized to serve; and in addition thereto may serve any writ or process in any personal action or process in replevin which may be made returnable to the police court in said city of Boston: and no constable in the city of Boston shall serve any civil process until he shall have given the bond as herein provided.

SECTION 2. This act shall take effect on the second day of June next.

Approved April 2, 1860.

[1856, 25.]

Chap. 150 AN ACT in addition to an Act to incorporate the Nantucket Agricultural Society.

Be it enacted, &c., as follows :

Repeal.

Section second of chapter twenty-five of the acts of the year eighteen hundred and fifty-six, is hereby repealed.

Approved April 2, 1860.

[1862, 29.]

Chap. 151 AN ACT to amend an Act in addition to an Act to incorporate the Brookline Gas Company.

[1853, 17; 1854, 104.]

Be it enacted, &c., as follows :

Amendment, act
of 1854.

SECTION 1. The one hundred and fourth chapter of the acts of the year one thousand eight hundred and fifty-four, is hereby amended, by inserting after the word "Brookline," in the fourth section, the words "and Brighton;" and also by striking out the word "town," wherever it occurs in said fourth section, and inserting "towns."

Restrictions.

SECTION 2. Said Brookline Gas Company shall not be authorized to lay gas pipes in any street or avenue in the

town of Brighton, where authority to lay such pipes has been previously granted by the selectmen of the town of Brighton to any other company.

Approved April 2, 1860.

[1823, 148; 1859, 211.]

AN ACT in addition to an Act concerning Faneuil Hall Market in Boston. *Chap. 152*
Be it enacted, &c., as follows:

SECTION 1. The two hundred and eleventh chapter of the acts of the general court of Massachusetts for the year eighteen hundred and fifty-nine, is hereby amended by striking out "ten o'clock in the forenoon," and substituting "eleven o'clock in the forenoon" therefor, in the second section of said act. *Amendment.*
Hour changed.

SECTION 2. This act shall take effect from its passage.

Approved April 2, 1860.

AN ACT to incorporate the Home for Aged Men.

Chap. 153

Be it enacted, &c., as follows:

SECTION 1. Moses Grant, William Ropes, Albert Fearing, their associates and successors, are hereby made a corporation by the name of the Home for Aged Men, for the purpose of providing a home for, and otherwise assisting respectable, aged and indigent men; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine. *Corporators.*
Title.
Purpose.
Powers and duties.

SECTION 2. Said corporation may, for the purposes aforesaid, hold real and personal estate to an amount not exceeding one hundred and fifty thousand dollars. *Real and personal estate.*

Approved April 2, 1860.

AN ACT to incorporate the Malden Savings Bank.

Chap. 154

Be it enacted, &c., as follows:

Gilbert Haven, W. J. Eames, John G. Webster, Henry Barrett, Gershom L. Fall, George P. Cox, their associates and successors, are hereby made a corporation by the name of the Malden Savings Bank, to be established and located in the town of Malden; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth relating to institutions for savings: *provided*, that at least forty per cent. of all deposits received at said bank shall at all times be invested in first mortgages on real estate in this Commonwealth, and that the treasurer shall take and record the residence and occupation of each depositor, when deposits are made. *Corporators.*
Title.
Location.
Powers and duties.
Proviso.
Investment.
Record.

Approved April 2, 1860.

[1858, 101.]

Chap. 155 AN ACT in addition to an Act to incorporate the Mishawum Literary Association.*Be it enacted, &c., as follows :*

Eligibility of members.

SECTION 1. No person under the age of eighteen years shall be eligible as a member of the Mishawum Literary Association.

Repeal.

SECTION 2. So much of the third section of the acts of the year eighteen hundred and fifty-eight, chapter one hundred and one, as is inconsistent with this act, is hereby repealed.

SECTION 3. This act shall take effect on and after its passage.

*Approved April 2, 1860.***Chap. 157** AN ACT to incorporate the West Cambridge Five Cents Savings Bank.*Be it enacted, &c., as follows :*

Corporators.

SECTION 1. George H. Gray, A. G. Peck, George C. Russell, William E. Parmenter, Addison Gage, Nathan Robbins, their associates and successors, are hereby made a corporation by the name of the West Cambridge Five Cents Savings Bank, to be established and located in the town of

Title.

Powers and duties.

West Cambridge; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth, relating to institutions for savings: *provided*, that at least forty per cent. of all deposits received at said bank shall at all times be invested

Proviso.

Investment.

in first mortgages in real estate in this Commonwealth, and that the treasurer shall take and record the residence and occupation of each depositor when deposits are made.

Record of depositors.

Deposits of five cents.

SECTION 2. Said corporation shall receive on deposit sums as small as five cents.

Approved April 2, 1860.

[1867, 221.]

Chap. 158 AN ACT to incorporate the Back Bay Improvement Company.*Be it enacted, &c., as follows :*

Corporators.

SECTION 1. Norman C. Munson, Moses M. Jackman, Thomas Hope, John F. Gilman, Henry S. McCoombs and George G. Lobdell, their associates and successors, are hereby made a corporation by the name of the Back Bay Improvement Company; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, passed December twenty-eight, in the year one thousand eight hundred and fifty-nine.

Title.

Powers and duties.

Right to hold property.

SECTION 2. Said corporation may purchase, receive, hold and convey the whole or any part of certain lands and flats

situated in that part of the city of Boston known as the "Empty Basin of the Back Bay," not exceeding one hundred and fifty acres, the same being now the property of the Boston Water-Power Company; and may grade, drain, fill up with clean earth or gravel, and otherwise improve said flats, and may divide the same, or the proceeds thereof, among the stockholders, after paying the debts of the corporation.

Location.

Extent.

Right of improvement.

SECTION 3. Said corporation is hereby authorized to fill up, grade and improve the flats of any other person, corporation or parties, owners of flats in said "Empty Basin," under contracts made or to be made with said owners, upon such terms and conditions as may mutually be agreed upon; but nothing contained in this act shall be deemed or taken in any way to impair or diminish the rights of any person or corporation, or to authorize this corporation to interfere with the rights of any person or of the Commonwealth.

Right to improve other property.

Restrictions.

SECTION 4. The capital stock of said company shall not exceed one million of dollars, divided into shares of one hundred dollars each; and no shares in the capital stock shall be issued for a less sum or amount, to be paid in on each, than the par value of the shares first issued.

Capital stock and shares.

SECTION 5. The commissioners on the Back Bay shall have and exercise the same rights, powers and duties, with regard to all lands that may be owned or improved by said company, that they have with regard to lands in the Back Bay owned by the Boston Water-Power Company; and this act shall not be construed to impair or affect the validity of the indentures between the Commonwealth and said Water-Power Company, or other parties.

Jurisdiction of Back Bay Commissioners.

SECTION 6. This act shall not be construed as granting any rights or property other than the franchises of a corporation.

Rights of Water-Power Company.

SECTION 7. This act shall take effect from its passage.

Approved April 2, 1860.

[1860, 200; 1861, 142; 1862, 15, 96.]

[1859, 33.]

AN ACT to amend an Act to incorporate the Martha's Vineyard Agricultural Society. Chap. 159

Be it enacted, &c., as follows:

Section second of the thirty-third chapter of the acts of eighteen hundred and fifty-nine is hereby repealed.

Repeal.

Approved April 2, 1860.

Chap. 160 AN ACT to authorize the construction of a Dam across Herring River in the Town of Harwich.*Be it enacted, &c., as follows :*

Authority.

Isaac Baker, Sheldon Crowell, David Howes, and their associates, owners of certain swamp and meadow lands, lying in the town of Harwich, are hereby authorized to construct a dam, with a tide gate, across Herring River in said town, at or near Shubael's Bridge, for the purpose of draining and improving said lands for cultivation.

Purpose.

Regulations.

Proviso.

And said proprietors are hereby authorized to make such by-laws and regulations as may be necessary to carry into effect such improvements, and which shall be in conformity with the General Statutes of this Commonwealth : *provided*, said dam shall not be built so as to impair the private rights of any person or corporation.

Approved April 2, 1860.

[1861, 27, 37.]

Chap. 161

AN ACT to incorporate the Taunton Steamboat Company.

Be it enacted, &c., as follows :

Corporators.

Purpose.

Title.

Powers and duties.

SECTION 1. George Godfrey, Charles R. Atwood, J. S. Rounds, Allen Presbrey, their associates and successors, are hereby made a corporation, for the purpose of navigating with steamboats Taunton River and the adjoining waters, under the name of the Taunton Steamboat Company ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the thirty-eighth and forty-fourth chapters of the Revised Statutes, and the sixty-eighth chapter of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine.

Real and personal estate.

Shares not to be issued less than par.

SECTION 2. The said corporation, for the purposes aforesaid, may hold real and personal estate not exceeding twenty-five thousand dollars : *provided*, that no shares in the capital stock of said corporation shall be issued for a less sum or amount than the par value of the shares which shall be first issued.

SECTION 3. This act shall take effect from its passage.

*Approved April 3, 1860.***Chap. 162**

AN ACT concerning the Registry of Deeds in the Town of Littleton.

Be it enacted, &c., as follows :

Littleton set off to southern Middlesex district.

Records.

SECTION 1. The town of Littleton, in the county of Middlesex, is hereby set off to the southern district, in said county for the registry of deeds ; and all deeds, conveyances and other instruments, now required by law to be recorded in Lowell, shall hereafter be recorded in the office for the registry of deeds at Cambridge, in said district.

SECTION 2. The register of deeds for the northern district of Middlesex, shall, on demand, deliver to the custody of the register of deeds for the southern district, all the original deeds and other instruments, recorded and remaining in the office of the former, conveying or relating to land or estates situated in said town of Littleton. Delivery of deeds.

SECTION 3. The town of Littleton, may, at its own expense, cause to be carefully and correctly transcribed and indexed, in the usual manner, in one or more books substantially bound, all records made in the registry of deeds for said northern district of Middlesex, since the thirty-first day of May, in the year eighteen hundred and fifty-six, of deeds and other instruments, conveying or relating to land or estates situated in said town; which transcripts shall be compared and duly certified by the register of deeds for said northern district, on payment therefor of the usual fee for comparing and certifying like transcripts; said transcripts, so certified, shall be deposited in the registry of deeds for the southern district of Middlesex, and shall thereafter have the same force and effect as if the same were original records deposited there. Transcript of records to be transferred.

SECTION 4. So much of section eighty-one of chapter seventeen of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine, as constitutes the town of Littleton a part of the northern district for the registry of deeds in Middlesex County, is hereby repealed. Repeal.

SECTION 5. This act shall take effect on and after the first day of June next. Approved April 8, 1860.

AN ACT to incorporate the Pembroke Steamboat Company.

Chap. 168

Be it enacted, &c., as follows:

SECTION 1. William E. Coffin, Joseph H. Cotton, Lewis L. Wadsworth, junior, and Charles T. Lynch, their associates and successors, are hereby made a corporation by the name of the Pembroke Steamboat Company, for the purpose of establishing steam navigation between the towns of Eastport, Calais and Pembroke, in the state of Maine and the city of Boston; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, passed December twenty-eight, eighteen hundred and fifty-nine. Corporators.
Title.
Purpose.
Powers and duties.

SECTION 2. The said company are hereby authorized to build, purchase, hold and convey, one or more steamboats, and may therewith navigate the ocean between the places designated in section first of this act. May hold steam-vessels and navigate the ocean.

Capital stock and
shares.

Real estate.

SECTION 3. The capital stock of said company shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each; and said company may hold real estate to an amount not exceeding twenty thousand dollars.

SECTION 4. This act shall take effect from its passage.

Approved April 3, 1860.

Chap. 171

AN ACT to incorporate the Marlborough Savings Bank.

Be it enacted, &c., as follows:

Corporators.

Title.

Location.

Powers and du-
ties.

SECTION 1. Mark Fay, Thomas Corey, Samuel Boyd, Lambert Bigelow, William Morse, 2d, Levi Bigelow, their associates and successors, are hereby made a corporation by the name of the Marlborough Savings Bank, to be established and located in the town of Marlborough; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the thirty-sixth chapter of the Revised Statutes, and in all other laws of this Commonwealth relating to institutions for savings.

Investments in
mortgages.

SECTION 2. At least forty per cent. of all deposits in said bank, shall at all times be invested in first mortgages of real estate in this Commonwealth.

Record of deposi-
tors.

SECTION 3. The treasurer shall take and record the residence and occupation of each depositor, when deposits are made.

Approved April 3, 1860.

Chap. 172

AN ACT to change the Boundary Line of the Cities of Boston and Roxbury, between Shawmut Avenue and Tremont Street.

Be it enacted, &c., as follows:

Boundary de-
fined.

SECTION 1. The boundary line between the cities of Boston and Roxbury is hereby altered and established as follows: beginning at the intersection of the present boundary line with the easterly side of Shawmut Avenue; thence crossing said avenue to a point twenty-five feet distant from the south-westerly side of Hammond Street at its intersection with Shawmut Avenue; thence parallel with the south-westerly side of Hammond Street, to the westerly side of Tremont Street; and thence running by the westerly side of Tremont Street, till it intersects the present boundary line between the two cities; and all the land in Roxbury north-easterly of the line hereby established, is annexed hereby to the city of Boston, and shall constitute a part of the eleventh ward thereof, until a new division of wards shall be made: *provided*, this act shall not affect the present apportionment for the choice of senators and representatives to the general court, and of councillors.

Proviso.

SECTION 2. This act shall not go into effect, until the same shall be accepted by the city councils of the cities of Boston and Roxbury. Act to be accepted by city councils of both cities.

Approved April 3, 1860.

AN ACT incorporating the Quincy Point Marine Railway Company. *Chap. 173*
Be it enacted, &c., as follows:

SECTION 1. George Thomas, Isaiah G. Whiton, Daniel H. Bills, their associates and successors, are hereby made a corporation, by the name of the Quincy Point Marine Railway Company, with power to construct and maintain a marine railway, in that part of the town of Quincy known as Quincy Point; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine, and to all other provisions of law applicable thereto: *provided, however*, that said railway shall not be extended towards the channel more than two hundred and twenty-five feet from the line of high-water mark, and that this act shall in no wise impair the legal rights of any person or corporation. Corporators. Purpose. Powers and duties. Provision. Limits, &c.

SECTION 2. The capital stock of said corporation shall not exceed ten thousand dollars, which they may invest in real and personal estate. Capital stock.
Approved April 4, 1860.

AN ACT to incorporate the Orpheus Musical Society. *Chap. 174*
Be it enacted, &c., as follows:

SECTION 1. A. Kreissman, A. B. Underwood, Robert Gems, their associates and successors, are hereby made a corporation, by the name of the Orpheus Musical Society, in Boston, for the purpose of promoting the cultivation of music, and of mutual assistance and instruction; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, passed December twenty-eighth, in the year eighteen hundred and fifty-nine. Corporators. Title. Location. Purpose. Powers and duties.

SECTION 2. The said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid, to an amount not exceeding twenty thousand dollars. Real and personal estate.
Approved April 4, 1860.

[1851, 296, 333; 1855, 164; 1858, 160.]

AN ACT to amend the Charter of the City of Newburyport. *Chap. 175*
Be it enacted, &c., as follows:

SECTION 1. No ordinance, resolve, order or vote passed by the city council of said city, making an appropriation of money, or authorizing the payment of money from the treas- Approval of appropriations.

ury, shall be valid without the approval of the mayor, unless passed by a two-thirds vote of both branches of the city council.

Mayor's salary.

SECTION 2. The mayor may receive such salary as the city council shall determine, which shall not be increased or diminished during the year for which he is elected.

Board of aldermen.

SECTION 3. The board of aldermen shall consist of six, not more than one of whom shall reside in any one ward, to be chosen upon a general ticket at the annual election of city officers.

School committee.

SECTION 4. A school committee of twelve, not more than two of whom shall reside in any one ward, shall be chosen upon a general ticket at the next annual election for city officers, four to serve one year, four two years, and four three years; and each year thereafter, at said annual election, there shall be chosen four others, one from each ward where a vacancy occurs, to serve for three years.

Assessors of taxes.

SECTION 5. Three assessors of taxes, one to serve one year, one to serve two years, and one to serve three years, shall be elected by general ticket, at the next annual election for city officers; and at each successive annual election thereafter, one assessor shall be chosen to serve three years.

Overseers of poor.

SECTION 6. There shall be chosen at the annual election for city officers, upon a general ticket, three persons to be overseers of the poor.

Act to be accepted by citizens.

SECTION 7. No one of the foregoing sections shall be in force unless the same shall be adopted by the popular vote of said city, expressed by written ballot, within thirty days from the passage of this act.

Approved April 4, 1860.

[1863, 129; 1864, 86, 275; 1866, 175, 241; 1867, 179; 1868, 251.]

[1860, 187.]

Chap. 176

AN ACT concerning the Harbor of Boston.

Be it enacted, &c., as follows:

Commissioners' line.

So much of the commissioners' line established by the third section of chapter thirty-five of the acts of the year eighteen hundred and forty, as lies between the point in the ledge of rocks off against the end of Taylor's Wharf, mentioned in said act, and the north-westerly corner of the City's Jail Wharf, shall be deemed and taken as commencing at the north-west corner of Taylor's Wharf, which point is five hundred and fourteen feet from the corner on the north-westerly side of Brighton Street, and northerly side of Poplar Street; and thence running straight to the north-westerly corner of the City's Wharf, situated west of the jail, which point is sixty-six feet westerly of Charles Street; and the same is

hereby established as the line of the channel of the harbor of Boston between said two points, beyond which no wharf or pier shall ever hereafter be extended into and over the tide water of the Commonwealth. This line is defined on a plan made by James Slade, city engineer of Boston, dated March thirtieth, eighteen hundred and sixty, and deposited in the state library.

Approved April 4, 1860.

[1860, 205; 1861, 137.]

[1852, 198; 1857, 137.]

AN ACT relating to the Roxbury Gas Light Company.

Chap. 177

Be it enacted, &c., as follows:

SECTION 1. The Roxbury Gas Light Company is hereby authorized to lay pipes through Boylston Street, into the town of West Roxbury, and to furnish gas to the owners or occupants of all buildings on the West Roxbury side of said street, until such time as the Jamaica Plain Gas Light Company shall give notice, in writing, to the said Roxbury Gas Light Company, of their readiness to furnish gas to said owners or occupants; and the said Roxbury Gas Light Company shall have the right to continue and maintain their pipes in said street, for the purpose of supplying gas to the inhabitants on the Roxbury side of said street, and any street lamps on the northerly side thereof.

May lay pipes in West Roxbury temporarily.

SECTION 2. The said Roxbury Gas Light Company, with the consent of the selectmen of the town of West Roxbury, shall have power and authority to open the ground in any part of said Boylston Street, in said town, for the purpose of sinking and repairing such pipes and conductors as it may be necessary to sink for the purpose aforesaid; and the said company, after opening the ground in said street, shall be held to put the same again in repair, under the penalty of being prosecuted for a nuisance: *provided, however,* that said selectmen for the time being, shall at all times have the power to regulate, restrict and control the acts and doings of said company, which may in any manner affect the health, safety, or convenience of the inhabitants of said town.

Sinking pipes.

Provided.

SECTION 3. This act shall take effect from its passage.

Approved April 4, 1860.

[1868, 47.]

AN ACT to provide for Clerical Assistance to the Board of Insurance Commissioners.

Chap. 178

Be it enacted, &c., as follows:

There shall be allowed and paid out of the treasury of the Commonwealth, to the board of insurance commissioners, as compensation for clerical assistance employed by them in the valuation of life insurance policies, in addition to the

Additional compensation.

Proviso.

sum appropriated for the salaries and ordinary expenses of the board, the money actually paid into the treasury by the life insurance companies, under the provisions of section sixty-four of chapter fifty-eight of the General Statutes, passed December twenty-eighth, in the year eighteen hundred and fifty-nine: *provided*, such compensation shall not exceed one thousand dollars for the current year.

Approved April 4, 1860.

[1855, 372.]

Chap. 179 AN ACT to confirm the Organization and Proceedings of the First Universalist Society in Essex.

Be it enacted, &c., as follows :

Certain proceedings legalized and confirmed.

SECTION 1. The organization of the First Universalist Society in Essex, which was effected in the year eighteen hundred and twenty-nine, and all the subsequent proceedings of said society, under and by virtue of such organization, as the same are now entered as the records of the said society, in the possession of the clerk thereof for the current year, are hereby ratified, fully established and confirmed, as the acts, doings and records of a duly and legally organized corporation; and the persons now acting as officers of said corporation, according to said records, are hereby confirmed as the lawfully constituted officers thereof, and authorized to perform all their respective official duties, until their successors be chosen and qualified: any defects or informalities heretofore in said organization and proceedings, to the contrary, notwithstanding.

SECTION 2. This act shall take effect from its passage.

Approved April 4, 1860.

Chap. 180 AN ACT to incorporate the Plymouth and Provincetown Steamboat Company.

Be it enacted, &c., as follows :

Corporators.

Title.

Purpose.

Powers and duties.

Capital stock and shares.

SECTION 1. Samuel H. Doten, George Simmons, junior, Lysander Dunham, Charles C. Doten, Charles C. Churchill, and John H. Harlow, their associates and successors, are hereby made a corporation by the name of the Plymouth and Provincetown Steamboat Company, for the purpose of owning and running a steamboat or steamboats, between the aforesaid towns; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine.

SECTION 2. The capital stock of this corporation shall not exceed fifty thousand dollars, and shall be divided into shares of one hundred dollars each. *Approved April 4, 1860.*

AN ACT to incorporate the Trustees of the Free Church of St. Mary, *Chap. 181*
for Sailors.

Be it enacted, &c., as follows:

SECTION 1. George M. Randall, rector of the church of the Messiah, Charles Mason, rector of Grace church, James A. Bolles, rector of the church of the Advent, E. M. P. Wells, rector of Saint Stephen's church, William R. Nicholson, rector of Saint Paul's church, Cyrus F. Knight, rector of Saint Mark's church, severally in Boston, and Thomas R. Lambert, rector of Saint John's church, in Charlestown, their associates and successors in office, for the time being, rectors of the above named parishes of the Protestant Episcopal Church, are hereby made a body corporate under the name of the Trustees of the Free Church of St. Mary, for Sailors; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, of associations for religious purposes, set forth in chapters thirty-two and sixty-eight of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine, for the purpose of holding property, in trust, for the support of the worship of Almighty God, according to the doctrine, discipline and worship of the Protestant Episcopal Church, in the United States of America, in a church which shall be forever free to seamen and the maritime population at the port of Boston.

Corporators.

Title.

Powers and duties.

Purpose.

Free church.

SECTION 2. Said corporation may make such by-laws as are not inconsistent with the laws of the Commonwealth, for the *ex officio* admission to membership therein of other persons rectors for the time being, of other churches at or near the port of Boston, in the same manner as the above named original members.

By-laws.

Admission of members.

Approved April 4, 1860.

[1855, 97.]

AN ACT in relation to Sidewalks in the City of Roxbury.

Chap. 182

Be it enacted, &c., as follows:

SECTION 1. The mayor and aldermen of the city of Roxbury are hereby authorized and empowered to construct sidewalks in any of the streets in said city, and to furnish all edge stones for the same, and to assess the expense of all such edge stones upon the owners of land abutting on the sidewalks so constructed, in proportion to the length of lines of their respective estates; and said owners shall be bound and obliged to pay the amounts so assessed; and in case any such owner or owners shall refuse to pay the amount so assessed, within such time as said mayor and aldermen shall designate, then such amount or amounts may be recovered

Abutting estates liable for expenses of sidewalks.

by an action of contract, to be brought by said city of Roxbury before any court or tribunal having competent jurisdiction in the premises.

Repeal.

SECTION 2. All acts or parts of acts inconsistent herewith, are hereby repealed.

SECTION 3. This act shall take effect from its passage.

Approved April 4, 1860.

Chap. 183 AN ACT to incorporate the Association for the Relief of Aged and Destitute Women, in Salem.

Be it enacted, &c., as follows :

Corporators.

Title.

Purpose.

Powers and duties.

Real and personal estate.

SECTION 1. John Bertram, B. H. Silsbee, John H. Silsbee, Robert Brookhouse, J. W. Peele, N. B. Perkins, James Upton, W. D. Pickman, and their associates and successors, are hereby made a corporation by the name of the Association for the Relief of Aged and Destitute Women, in Salem, for the purpose of providing for the support of aged, destitute women, not otherwise provided for; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes, passed December twenty-eighth, eighteen hundred and fifty-nine; and for the purpose aforesaid, may take and hold real and personal property to an amount not exceeding one hundred thousand dollars.

SECTION 2. This act shall take effect from its passage.

Approved April 4, 1860.

[1848, 307; 1849, 108; 1850, 312; 1852, 40, 146, 155, 297; 1854, 226; 1855, 394; 1856, 237; 1859, 70, 117.]

Chap. 184 AN ACT authorizing the City of Boston to loan its Credit or subscribe to the Capital Stock of the Troy and Greenfield Railroad Company.

Be it enacted, &c., as follows :

Amount of loan.

City bonds for same.

Loan to be ratified by the legal voters.

SECTION 1. The city of Boston is hereby authorized, at any time within two years from the passage of this act, to loan its credit or to subscribe to the capital stock of the Troy and Greenfield Railroad Company, to an amount not exceeding five hundred thousand dollars in the whole, upon such terms as the city council of said city and the Troy and Greenfield Railroad Company shall agree; and for such purpose to issue the bonds or scrip of said city, in such form, of such description, and on such times of payment as the said city council shall determine.

SECTION 2. No such loan or subscription shall be made until the terms and conditions thereof, as agreed upon by said city council and said company, have been submitted to and ratified by the legal voters of said city, at ward meetings duly notified for that purpose; which meetings shall be

notified and held, and the aforesaid matters submitted and acted on, in such manner as the mayor and aldermen of said city shall prescribe.

Approved April 4, 1860.

[1860, 202; 1861, 65; 1862, 156; 1863, 214; 1865, 210, 211; 1866, 293; 1867, 253, 304; 1868, 51, 333, 350.]

AN ACT to incorporate the Berkshire Bank.

Chap. 190

Be it enacted, &c., as follows:

SECTION 1. Edwin F. Jenks, L. L. Brown, S. W. Bowerman, their associates and successors, are hereby made a corporation, by the name of the President, Directors and Company of the Berkshire Bank; to be established in the town of Adams, and village of South Adams, and shall so continue until the first day of June, in the year one thousand eight hundred and eighty-one; and shall be entitled to all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the public statutes of this Commonwealth, relative to banks and banking.

Corporators.

Title.

Location.

Duration.

Powers and duties.

SECTION 2. The capital stock of said bank shall consist of one hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such instalments and at such times as the stockholders may direct: *provided*, that the whole be paid in before the first day of January, in the year one thousand eight hundred and sixty-one.

Capital stock and shares.

Proviso.

SECTION 3. The stock of said bank shall be transferable only at its banking-house and on its books.

Transfers.

SECTION 4. The said corporation shall be subject to all the liabilities, requirements and restrictions, contained in such acts as may hereafter be passed by the general court in relation to banks and banking.

Liabilities.

SECTION 5. This act shall take effect from its passage.

Approved April 4, 1860.

[1858, 126.]

AN ACT allowing the Battery Wharf Company further Time to organize.

Chap. 193

Be it enacted, &c., as follows:

SECTION 1. The corporation created by chapter one hundred and twenty-six of the acts of eighteen hundred and fifty-eight, entitled "An Act to incorporate the Battery Wharf Company," may organize under said act at any time within six months after the passage of this act.

Time of organization.

SECTION 2. This act shall take effect from its passage.

Approved April 4, 1860.



Chap. 194 AN ACT to authorize the Selectmen of the Town of Dorchester to lay out and construct a Town Way.

Be it enacted, &c., as follows :

Location.

Direction, &c., of town way.

The selectmen of the town of Dorchester, in the county of Norfolk, are hereby authorized and empowered to lay out and construct a town way in the said town of Dorchester, commencing at a point at or near the place where the Old Colony and Fall River Railroad crosses Mill Street, so called, thence running eastwardly across the marshes and the tide-waters of the northerly branch or arm of the creek known as Barque Warwick Cove, to any convenient point upon Commercial Street, so called, lying northwardly of the northerly end of the bridge now standing at the mouth of the said cove; and the selectmen aforesaid, in laying out such town way, shall conform to the provisions of law for the laying out of ways within the limits of the towns in this Commonwealth, and their proceedings, so far as they have been conformable to the forms and provisions of law, are hereby established and confirmed.

Approved April 4, 1860.

Chap. 196 AN ACT authorizing the Second Baptist Society in Beverly, to sell their Parsonage.

Be it enacted, &c., as follows :

Society to sell certain described property.

SECTION 1. The Second Baptist Society in the town of Beverly, is hereby authorized and empowered to sell either a part or the whole of the estate located within the said town of Beverly, which is held and possessed by them, and which has been appropriated and improved as a parsonage, consisting of a dwelling-house and wood-shed, with their appurtenances and the land under and adjoining.

Deed of sale.

SECTION 2. The standing committee or trustees of the said society, for the time being, or the treasurer thereof, shall have power to deed either a part or the whole of said estate to any purchaser or purchasers.

SECTION 3. This act shall take effect from its passage.

Approved April 4, 1860.

Chap. 198 AN ACT to incorporate the Plummer Granite Company.

Be it enacted, &c., as follows :

Corporators.

Title.

Purpose.

Location.

Powers and duties.

SECTION 1. Israel Plummer, Chase Philbrick, and Henry S. Taft, their associates and successors, are hereby made a corporation by the name of the Plummer Granite Company, for the purpose of carrying on the business of quarrying granite in the town of Northbridge, in the county of Worcester; and shall have all the powers and privileges, and be subject to all the liabilities, duties and restrictions, set forth in the sixtieth and sixty-eighth chapters of the General Stat-

utes, passed December twenty-eighth, eighteen hundred and fifty-nine.

SECTION 2. Said corporation may hold real and personal estate, necessary and convenient for the purposes aforesaid, to an amount not exceeding the sum of one hundred thousand dollars, the shares in said corporation to be one hundred dollars each. Real and personal estate.
Shares.

SECTION 3. This act shall take effect from its passage.

Approved April 4, 1860.

[1860, 100.]

AN ACT concerning Imprisonment in the County of Suffolk.

Chap. 199

Be it enacted, &c., as follows:

In all cases in which the police court of the city of Boston is authorized to sentence to imprisonment in the house of correction or county jail, or commitment thereto for non-payment of fine and costs, said court may instead, at their discretion, sentence to imprisonment in the house of industry for the city of Boston, or commitment thereto. Discretion of court, to sentence in certain cases.

Approved April 4, 1860.

[1852, 253; 1855, 388; 1857, 169; 1859, 210.]

AN ACT for the more speedy filling of Lands in the Back Bay.

Chap. 200

Be it enacted, &c., as follows:

SECTION 1. The treasurer of this Commonwealth is hereby authorized to prepare for issue, as hereinafter provided, scrip or certificates of debt in the name and behalf of the Commonwealth, and under his signature and the seal of the Commonwealth, bearing date on the first day of May, in the year one thousand eight hundred and sixty, for the sum of five hundred thousand dollars, with coupons attached for interest at the rate of five per centum per annum, payable semi-annually, on the first days of November and May, at the office of said treasurer, and redeemable at the said office on the first day of May that shall be in the year one thousand eight hundred and eighty, which scrip or certificates shall be countersigned by the governor, and shall be deemed to be a pledge of the faith and credit of the Commonwealth for the redemption thereof; and no part shall be sold or issued except as hereinafter provided, and the proceeds of all sales thereof shall be paid into the treasury of the Commonwealth. State credit.
Amount.
When payable.

SECTION 2. The commissioners on the Back Bay shall cause the filling of the lands in the Back Bay belonging to the Commonwealth, to be prosecuted with all reasonable diligence and despatch, with the means at their disposal under existing laws, without incurring any debt or liability whatever on the part of the Commonwealth; and whenever Duty of commissioners.

Issue of scrip.

Disposition of same.

Proviso.

Sinking fund.

Sinking fund.

said commissioners represent to the governor and council that the interests of the Commonwealth demand that a payment of money shall be made to the contractors for filling, for work actually done, in lieu of such other payments as are authorized by existing laws, and if it appears that the cash on hand derived from the moiety of the proceeds of sales already made is insufficient for such payment, the governor, by and with the advice and consent of the council, and upon the request of the commissioners aforesaid, and not otherwise, may direct the issue of an amount of the scrip provided in the preceding section, not exceeding fifty thousand dollars at any one time; and so much of the said scrip as may not be required for the investment of any of the trust funds belonging to the Commonwealth, shall thereupon be sold at auction in the city of Boston. The avails of all said scrip, whether issued to the trust funds or sold at auction, as aforesaid, (in the latter case deducting auctioneer's commissions and other necessary charges of sale approved and allowed by the commissioners on the Back Bay,) may be paid to the contractors for filling, in payment of their bills, approved by the commissioners on the Back Bay, and upon their order, for work actually done; and said avails are hereby appropriated for that purpose: *provided*, that the scrip itself may be issued directly to the contractors in payment of such bills, if accepted by them at a value not less than par, and not less than its market value, to be determined by the treasurer.

SECTION 3. In case any issue is made of scrip, as aforesaid, to an amount exceeding fifty thousand dollars, the moiety of the proceeds of sales which by law is applicable to the purposes of improvement, after meeting only the interest on the scrip, and such specific charges as may be made in virtue of special appropriations annually made by law, together with all premiums that may be realized on the sale of scrip, shall be reserved as a sinking fund, to be applied for the redemption of the scrip herein before authorized to be issued, until said fund is equal to the amount of scrip that has been issued; after which said moiety of proceeds of sales shall be applicable to the purposes now provided by law.

SECTION 4. In case the issue of scrip does not exceed fifty thousand dollars, there shall be annually reserved from the moiety of the proceeds of sales which by law is applicable to the purposes of improvement, the sum of ten thousand dollars, to constitute, with the accumulating interest thereon, a sinking fund for the redemption of said scrip, until the

fund is equal to the amount of the scrip which has been issued.

SECTION 5. The commissioners on the Back Bay shall sell the land from time to time in such quantities, and with such conditions, as they may deem best, by public auction, first giving due notice of the time and place of sale, and submitting to the governor, for his approval, a schedule of the lots proposed for sale, with the minimum prices at which they may be offered. The terms of sale shall be not less than one-fifth cash; and the purchaser shall be entitled to a credit for a term not exceeding ten years, upon not more than four-fifths of the purchase money, making annual payments thereof, or otherwise, as the commissioners may deem best, with interest at the rate of five per cent. per annum, payable semi-annually, with notes secured by mortgage on the premises; and the lands may be conveyed by deed, according to the provisions of the resolves of the year one thousand eight hundred and fifty-seven, chapter 'seventy; or the commissioners may execute and deliver suitable agreements for such deeds, to be delivered when the purchase money and interest shall all have been paid. The auctioneer's commissions and other necessary charges of sales, approved and allowed by the commissioners on the Back Bay, shall be deducted from the gross proceeds before the same are paid into the treasury of the Commonwealth.

Sales of land by auction.

Conveyance.

Charges of sale.

SECTION 6. The commissioners on the Back Bay shall have their office in the state house, in such room as the sergeant-at-arms, with the approval of the governor, may direct; and all deeds, instruments, maps, charts, plans and other papers belonging to the Commonwealth, relating to the Back Bay and lands therein, shall be deposited in said office.

Office of the commissioners.

• Approved April 4, 1860.

[1861, 142; 1862, 15; 1866, 68, 264; 1867, 338.]

[1860, 184]

AN ACT in addition to an Act authorizing a Loan of the State Credit to enable the Troy and Greenfield Railroad Company to construct the Hoosac Tunnel.

Chap. 202

Be it enacted, &c., as follows:

SECTION 1. The Troy and Greenfield Railroad Company shall forthwith make and file in the proper offices a location of their entire road and tunnel, which location shall be made on that side or sides of the Deerfield River which will afford the most direct and eligible route between the village of Shelburne Falls and a suitable terminus in the town of Deerfield or Greenfield, to be determined by the state engineer appointed as hereinafter provided.

Location of road and tunnel.

Grades and cur-
vatures.

The grades of any part of the road hereafter to be constructed shall not exceed forty feet to the mile ascending eastward, and fifty feet to the mile ascending westward; and the limits of grade and curvature of said road, included within said location, and not graded, shall be such that the maximum resistance to the passage of trains, in either direction, shall not exceed the maximum resistance in the same direction on the Fitchburg and Vermont and Massachusetts Railroads; and before any location made by the chief engineer of the Troy and Greenfield Railroad Company shall be filed, a copy of the alignment and a table of grades, verified by the oath of said engineer, shall be submitted to a state engineer appointed as hereinafter provided, who shall certify that the limits of grade and curvature herein before prescribed have not been exceeded, and the said table of grades so certified shall be filed with the location.

Deliveries of
scrip.

SECTION 2. No further deliveries of scrip shall be made to said company upon the conditions authorized in former acts, but the undelivered portions of the loan of two millions of dollars authorized by chapter two hundred and twenty-six of the acts of eighteen hundred and fifty-four, amounting to one million seven hundred and seventy thousand dollars, shall be divided and apportioned between the railroad and tunnel, and for the construction of each, respectively; six hundred and fifty thousand dollars for the completion of the unfinished portion of railroad extending from the eastern terminus of said road near Greenfield to within half a mile of the eastern end of the Hoosac Tunnel, and one million one hundred and twenty thousand dollars for the completion of the tunnel, which shall be delivered upon the conditions and in the manner hereinafter declared, subject however to the provisions of the third section of chapter one hundred and seventeen of the acts of eighteen hundred and fifty-nine.

Bonds, mort-
gages, &c.

No delivery of any portion of said scrip shall be made until said company shall, at a special meeting duly authorized for the purpose, have assented to the provisions of this act, nor until said company shall have duly made and located their line of road as aforesaid, and shall have executed to the Commonwealth such further bond and mortgage, or other assurances of title on their franchise, railroad, or other property, as the attorney-general shall prescribe, for the further security of the Commonwealth; and said bond and mortgage, and other assurances, and all bonds, mortgages, or other assurances heretofore made to the Commonwealth by said company, shall have priority to and be preferred

before any and all attachments or levies on ' execution heretofore or hereafter made.

SECTION 3. The governor and council shall annually appoint a state engineer for the purpose of examining and determining monthly the amount and value of the work done, and materials delivered on the railroad and tunnel of the Troy and Greenfield Railroad Company, who shall receive an annual salary of one thousand dollars, payable quarterly. The state engineer shall forthwith fix permanent marks in each end of the Hoosac Tunnel, marking the progress of the work up to February twenty-fourth, eighteen hundred and sixty, from which to determine the progress subsequently made. He shall also determine by suitable notes, marks, or observations, the amount and value of all grading, bridging, masonry, or other work done, or iron, or other materials delivered on the road east of the Hoosac Tunnel prior to December twenty-second, eighteen hundred and fifty-nine, and fix data from which to determine the value of any work, or materials delivered subsequent to the date last named. He shall monthly, immediately after the first day of each month, estimate the proportion which the work done upon the road, since the preceding estimate, bears to the whole of the work required to be done in the graduation, masonry, bridging, and superstructure of said railroad east of the Hoosac Tunnel, and also the work done in the excavation of said tunnel, which he shall certify separately to the governor, together with the amount of state scrip to which the company is entitled under the provisions of this act. Such monthly estimates shall be based upon a width of road-bed at grade of fifteen feet, on embankments, seventeen and a half feet in side-cuts, and twenty feet in thorough-cuts; in the heading of the tunnel, upon dimensions fourteen feet wide and six feet high in the middle, and in the finished excavation of the tunnel of fourteen feet wide and eighteen feet high in the middle.

State engineer to be appointed.

His duties.

The deliveries of scrip shall be at the rate of fifty dollars for each lineal foot of tunnel, divided between heading and full sized tunnel, in the proportion of thirty dollars for each lineal foot of heading and twenty dollars per lineal foot for the remaining excavation; and of six hundred and fifty thousand dollars for the whole of the graduation, masonry, bridging and superstructure of the unfinished portion of the road east of the tunnel.

Deliveries of scrip.

The scrip shall be delivered on the road in the proportion which the value of the work done and the materials delivered

each month bears to the estimated cost of the whole work and materials required on the portion of road aforesaid.

Weight of rails.

No expenditures shall be required merely for the purposes of ornament; but the work shall be substantially performed, and the rails shall weigh not less than fifty-six pounds to the lineal yard: for any defective materials or work, a proportionate amount of scrip shall be withheld.

Supervision by governor and council.

The governor and council shall have a general supervision of the work, and for that purpose shall visit and inspect the same at least once in each year, and as much oftener as they may deem expedient; and they shall have power to correct abuses, remedy defects, and enforce requirements, by withholding scrip or imposing new requirements in such manner as the interest of the Commonwealth shall in their judgment require.

Monthly estimates and certificates.

If the governor, upon the receipt of the monthly estimates and certificates of the state engineer, shall approve thereof, he shall transmit the same and his approval thereon to the state treasurer, and the state treasurer shall thereupon deliver the amount of scrip so certified for, to the treasurer of the Troy and Greenfield Railroad Company, or to his order, subject to the provisions hereafter mentioned. If he shall not approve thereof he shall submit the same to the council, and their approval transmitted to the state treasurer as aforesaid shall authorize such delivery.

Interest on scrip.

SECTION 4. The company shall at least thirty days before any interest on any state scrip delivered to said company becomes payable, transmit the amount thereof, with cost of exchange, to the treasurer of the state, and he shall in all cases and at the charge of said company, pay at maturity all interest and costs of exchange which become payable on said scrip where the same is payable; and if said interest and exchange and all interest and costs thereon, or any payments required to be made into the sinking fund, or interest thereon, or any part thereof, remain unpaid when said company becomes entitled to the next delivery of state scrip, then the state treasurer shall deduct the amount so remaining unpaid, with all costs and interest thereon, from the amount of scrip then deliverable.

Costs of exchange.

Crossing highways at grade.

SECTION 5. The Troy and Greenfield Railroad Company may construct their railroad across the public highways at grade, in cases where the county commissioners of the county do not determine such manner of crossing to be detrimental to the public safety and convenience; but whenever they do so determine, said company shall construct the same in such manner as the county commissioners direct.

SECTION 6. The legislature shall immediately, after the passage of this act, elect two directors of the Troy and Greenfield Railroad Company, to hold their office for one year, or until others are elected by the legislature; and any city, town or corporation that may subscribe not less than one hundred thousand dollars, shall have the right to elect annually one director; and any city that may subscribe not less than five hundred thousand dollars, shall have the right to elect annually by their council two directors in said company, which election may be held at any time after such subscription is made.

Directors of the company, how chosen.

SECTION 7. The capital stock of the Troy and Greenfield Railroad Company shall consist of twenty-five thousand shares of the par value of one hundred dollars each, in which shall be included all shares heretofore issued or subscribed for, conditionally or unconditionally, or payable in work, an accurate account of which shall be made by the company, and recorded in the records of the directors. And the residue of said shares, and all shares which may revert to said company, shall be hereafter issued only at par value, and for cash, or town, or city scrip, or for the bonds of the company.

Capital stock and shares.

SECTION 8. The Troy and Greenfield Railroad Company is hereby authorized and required to purchase the entire road, franchise, stock, bonds, and other property of the Southern Vermont Railroad Company, together with the income, benefits and reversion of its lease to the Troy and Boston Railroad Company, and subject to its provisions, for the sum of two hundred thousand dollars; and for the purpose of enabling them to make such purchase, and transfer the same to the Commonwealth as additional security to the Commonwealth for its whole loan, a further issue and loan of state scrip in federal currency, of the description specified in chapter two hundred and twenty-six of the acts of the year eighteen hundred and fifty-four, is hereby authorized to be made, to the amount of two hundred thousand dollars, deliverable as follows, namely:

Purchase of Southern Vermont R. R.

Scrip.

Whenever all the capital stock of the Southern Vermont Railroad, excepting not exceeding twenty shares, of one hundred dollars each, and one hundred thousand dollars of its mortgage bonds, with coupons attached, the whole amount being one hundred and fifty thousand dollars, payable in twenty years from the date of issue, with six per cent. interest, payable semi-annually at the Bank of Commerce, in the city of New York, and the aforesaid lease of said company to the Troy and Boston Railroad Company, together with the rent reserved therein of twelve thousand dollars per

Further conditions for delivery of state scrip.

annum, payable semi-annually, shall have been transferred to the treasurer of the Commonwealth, for the future security of the Commonwealth for its whole loan of credit to the Troy and Greenfield Railroad Company, in such manner as the attorney-general shall prescribe, and to the satisfaction of the governor and council, the state treasurer shall deliver one hundred and twenty-five thousand dollars of said scrip to the treasurer of the Troy and Greenfield Railroad Company; and when the remaining portion of said bonds, with the coupons attached, shall be in like manner delivered to the state treasurer, he shall deliver to the treasurer of the Troy and Greenfield Railroad Company the balance of said scrip, amounting to seventy-five thousand dollars: *provided*, that if any holders of said bonds, not exceeding ten thousand dollars in all, shall refuse to surrender the same at par, the Troy and Greenfield Railroad Company shall not be required to purchase the same, but the state treasurer shall withhold an equal amount of state scrip at par in lieu thereof.

Proviso.

Semi-annual
payments of
coupons.

The semi-annual payments of the coupons, with the balance of the income from the lease of the Southern Vermont Railroad shall be collected by or paid to the state treasurer, who shall therefrom pay the interest on the two hundred thousand dollars of five per cent. scrip herein authorized to be issued, and shall pay the balance to the commissioners of the sinking fund of the Troy and Greenfield Railroad loan, to be by them from time to time invested as is now by law required.

Authority from
State of Vermont
for purchase, &c.,
of S. Vt. R. R.

The Troy and Greenfield Railroad Company shall, as soon as may be after the passage of this act, procure from the legislature of the State of Vermont the requisite authority for purchasing, holding and mortgaging to the Commonwealth the franchise, railroad and property of the Southern Vermont Railroad Company, according to the provisions of this act; and in case such authority shall not be granted, and any want of security by reason thereof accrue to the Commonwealth, the governor and council shall withhold from the Troy and Greenfield Railroad Company portions of scrip constituting the last deliveries to be made on the completion of the tunnel, to such amount, not exceeding two hundred thousand dollars, as may be required for further security.

Repeal.

Proviso.

SECTION 9. All acts and parts of acts inconsistent herewith, are hereby repealed: *provided, however*, that such repeal shall not, and nothing contained in this act shall, have effect or be construed in any way to release or impair any security which the Commonwealth now has or may

hereafter have by force of the bond and mortgage now held by the Commonwealth on the franchise, railroad and property of the Troy and Greenfield Railroad Company.

Approved April 4, 1860.

[1861, 65; 1862, 156; 1863, 214; 1865, 210, 211; 1866, 293; 1867, 253, 304; 1868, 51, 333, 350.]

[Special Laws, vol. 1, p. 465; vol. 2, pp. 26, 241, 342; vol. 3, p. 131; 1814, 100.]

AN ACT in relation to the Proprietors of the Middlesex Canal.

Chap. 203

Whereas, The supreme judicial court of this Commonwealth, on the third day of October last, upon an information filed by the attorney-general pursuant to a resolve of the last legislature, by a judgment and decree, declared that the proprietors of the Middlesex Canal, or any persons pretending to hold the privileges, franchises and liberties of said corporation, do not, in any manner, have, hold, use, exercise or enjoy the said privileges, franchises and liberties, under and by virtue of any authority conferred by any act of the general court of this Commonwealth, and that said proprietors of the Middlesex Canal be absolutely forejudged and excluded from having, holding, using, exercising or enjoying said franchise, privileges and liberties: Now, therefore,

Preamble.

Decree of S. J. court.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

All the privileges, liberties and franchises, granted or given by the twenty-first chapter of the acts of the legislature of the year one thousand seven hundred and ninety-three, incorporating said proprietors, or by any subsequent acts in addition thereto, are hereby declared seized into the hands of the Commonwealth, forfeited and annulled in consequence of the non-feasance and mis-feasance of said corporation, and the neglect of their corporate duties, in accordance with said judgment and decree.

Rights and privileges forfeited to Commonwealth.

Approved April 4, 1860.

[1854, 207.]

AN ACT to authorize the West Cambridge Gas Light Company to extend their Pipes and Conductors into the Towns of Winchester and Belmont.

Chap. 204

Be it enacted, &c., as follows:

SECTION 1. The West Cambridge Gas Light Company are hereby authorized to extend their gas pipes and conductors into Winchester and Belmont, and build all necessary buildings in either of said towns; and they shall have the authority to open the ground in any part of the streets, lanes and highways in said towns, for the purpose of sinking and

May establish gas works in Winchester and Belmont.

Proviso. repairing said pipes and conductors: *provided, however*, that the selectmen of said towns respectively, for the time being, shall at all times have the power in their respective towns to regulate and control the acts and doings of said company, which may in any way or manner affect the health and safety of the inhabitants of said towns: *provided, however*, that the West Cambridge Gas Light Company shall avail itself of the privileges of this act within six months from the passage thereof.

Selectmen to control doings of company.

Proviso.

Time limited.

\$100,000 additional capital stock. SECTION 2. The capital stock of said corporation shall be increased to one hundred and fifty thousand dollars.

SECTION 3. This act shall take effect from its passage.

Approved April 4, 1860.

[1867, 221.]

[1860, 137.]

Chap. 205

AN ACT concerning Boston Harbor.

Be it enacted, &c., as follows:

May remove railroad bridge over Fore Point Channel. SECTION 1. The city of Boston is hereby authorized to remove the bridge, or any part thereof, as it shall deem the interests of navigation require, of the Midland Railroad Company, over Fore Point Channel, in the city of Boston: *provided, however*, that this section of this act shall not take effect if the said company, or any other railroad company, at their request, shall, on or before the first day of October, eighteen hundred and sixty, repair the said bridge, and extend the piers of its draw, and make the same convenient to navigation, in such manner as the governor and council, and the mayor and aldermen of the city of Boston, shall approve; and *provided, further*, that if said city shall remove said bridge, or any part thereof, under the provisions of this section, then the right of any corporation or person to have, keep or maintain any railroad over said bridge thus removed, and between said bridge and Sea Street, in the city of Boston, shall cease, and all laws authorizing the maintenance thereof are to that extent repealed.

Proviso.

Further proviso.

May erect buoys, &c. SECTION 2. The city of Boston may, while said bridge remains, erect such buoys and other structures near thereto, as the mayor and aldermen of the city of Boston shall deem necessary to the safety and convenience of navigation.

Bridge materials to revert to city of Boston. SECTION 3. In case the city of Boston shall remove said bridge, under the authority of this act, all the materials thereof shall belong to the city of Boston, to reimburse the said city for the expenses of such removal.

Bridge may be converted into a highway. SECTION 4. The city of Boston is hereby authorized, with the consent of the Midland Railroad Company, and upon such terms as may be mutually agreed upon, to take the

said bridge, or any portion thereof, over Fore Point Channel, belonging to said company, and appropriate the same for a public highway; and for this purpose the said city may, with the consent of the governor and council, widen, alter and straighten said bridge in such manner as it shall deem best: *provided, however*, that if said city shall lay out a highway over said bridge under the provisions of this act, the damage occasioned thereby shall be assessed in the same manner as if said railroad had not been located over the premises taken for the highway, and shall be assessed to the person entitled to the damages occasioned by the construction of said railroad over said premises.

Proviso.

Assessment of damages.

Approved April 4, 1860.

[1857, 285; 1859, 3.]

AN ACT in addition to an Act concerning the Suffolk Railroad Company.

Chap. 207

Be it enacted, &c., as follows:

SECTION 1. The Suffolk Railroad Company is authorized by consent of the mayor and aldermen of the city of Boston, to run their cars over each of the ferries to East Boston, and for that purpose may lay on the ferry boats of the East Boston and People's Ferry Companies and the drops leading thereto, respectively, suitable tracks with the usual appurtenances thereto, for such rates of compensation as may be mutually agreed upon with each of said ferry companies; or in case of disagreement with either of said companies, as to such rates of compensation, the same shall be fixed by said mayor and aldermen of said city of Boston.

May run cars over ferries, and lay tracks on boats and drops.

Compensation.

SECTION 2. All acts and parts of acts inconsistent with this act, are hereby repealed.

Repeal.

SECTION 3. This act shall take effect from and after its acceptance by said Suffolk Railroad Company.

Approved April 4, 1860.

[1861, 191; 1862, 175.]

[1857, 25.]

AN ACT to revive and amend an Act to incorporate the Fall River and Warren Railroad Company.

Chap. 208

Be it enacted, &c., as follows:

SECTION 1. The act approved March seventeenth, eighteen hundred and fifty-seven, entitled "An Act to incorporate the Fall River and Warren Railroad Company" is hereby revived.

Act of 1857 revived.

SECTION 2. The time limited in the fifth section of said act within which the location of said railroad should be filed, is hereby extended to the first day of May, eighteen hundred and sixty-one; and the time in said section limited, within

Time of location extended.

Construction.

which said railroad should be constructed and completed, with at least one track, is hereby extended to the first day of May, in the year eighteen hundred and sixty-three.

Approved April 4, 1860.

[1861, 179; 1863, 5; 1864, 178, 309; 1865, 51, 71.]

Chap. 210 AN ACT concerning the Supreme Judicial Court for the Counties of Middlesex, Essex, and Bristol.

Be it enacted, &c., as follows :

Jury terms, when to be held in Middlesex.

SECTION 1. Additional jury terms of the supreme judicial court shall be held by a single justice every year at the times and places following: for the county of Middlesex, at Cambridge, on the third Tuesday of October; for the county of Essex, at Salem, on the first Tuesday of November; for the county of Bristol, at Taunton, on the third Tuesday of April.

In Bristol.

SECTION 2. The jury term of the said court for the county of Bristol, now required by law to be held in alternate years at New Bedford and Taunton, shall be held every year at New Bedford, on the second Tuesday of November.

Pending causes.

SECTION 3. All causes pending in said court, and all processes returnable to the same in the county of Bristol shall be returned to, entered and have day in said court at the next term thereof, to be held in and for said county: *provided*, that in no cause shall a default be entered until fourteen days after written notice has been given to a defendant of the above change in the return term.

Proviso.

Repeal.

SECTION 4. All acts in the general laws taking effect on the first of June next, inconsistent herewith, are repealed.

SECTION 5. This act shall take effect from its passage.

Approved April 4, 1860.

Chap. 211 AN ACT in relation to the Flowage of the Meadows on Concord and Sudbury Rivers.

Be it enacted, &c., as follows :

Commissioners to reduce level of dam.

SECTION 1. The governor is hereby authorized to appoint, with the advice and consent of the council, three commissioners, who shall have power and authority to take down and remove the dam across the Concord River at North Billerica, erected by the proprietors of the Middlesex Canal, to a level thirty-three inches below the top of an iron bolt in a rock marked on plan number two, annexed to the report of the committee of the legislature of eighteen hundred and fifty-nine, on the Sudbury meadows, at any time after the first day of September next; and when the same is so removed it shall not be again rebuilt.

SECTION 2. Any person injured in his property by the removal of such portion of said dam, may apply to the county commissioners for Middlesex County to estimate his damages occasioned thereby; and the proceedings thereon shall be the same as are now by law provided in the case of damages occasioned by the laying out of highways, except that notice of the application shall be served on the attorney-general of the Commonwealth fourteen days at least before the time appointed for the hearing; and he shall thereupon appear and answer to such application in behalf of the Commonwealth. Either party aggrieved by the decision of the county commissioners shall be entitled to have a jury to determine the matter, if applied for at the meeting at which the decision of the commissioners is rendered, or at the next regular meeting thereafter, but not afterwards; and the proceedings thereon shall be the same as are now provided in the case of highways.

SECTION 3. Any damages that may be recovered on such application, together with legal costs, shall be paid out of the treasury of the Commonwealth; and the governor is hereby authorized to draw his warrant therefor.

SECTION 4. The removal of such portion of said dam, under this act, shall operate as a bar to any suits by the proprietors of lands flowed by said dam for any damages sustained thereby, and may be pleaded and proved as such in any court.

SECTION 5. The commissioners appointed by the governor shall, after said dam is taken down as provided in this act, cause a permanent mark of the height thereof to be made, and a plan and description of the height thereof to be made and recorded in the registry of deeds for Middlesex County at Cambridge and Lowell; and the services and expenses of the commissioners shall be paid out of the treasury of the Commonwealth, and the account shall be audited and allowed in the manner now provided for by law.

SECTION 6. The supreme judicial court, or any justice thereof, shall have power to set aside any verdict rendered under this act, upon the petition of either party thereto for the reason that the damages are excessive, or for any legal cause, and exceptions may be taken to the rulings in matters of law by either party, at any trial under this act, which exceptions shall be decided by the supreme judicial court as in other cases.

Approved April 4, 1860.

[1861, 154; 1862, 140.]

[1847, 29, 258; 1849, 27.]

Chap. 217 AN ACT for supplying the City of Charlestown with Pure Water.*Be it enacted, &c., as follows :*

Boston may supply Charlestown with water.

SECTION 1. The city of Boston is hereby authorized to supply the city of Charlestown with pure water at such prices and upon such terms and conditions as may be agreed upon between said cities of Boston and Charlestown; and the city of Charlestown is hereby authorized to procure of the city of Boston, as in manner hereinafter provided, a supply of pure water for the use of the inhabitants of said city of Charlestown; and may contract with said city of Boston for the price to be paid for said water.

May lay pipes, &c.

SECTION 2. The city of Boston may, under the provisions of the act for supplying the city of Boston with pure water, passed March thirtieth, eighteen hundred and forty-six, lay and maintain a suitable iron main or pipe from such of its pipes or reservoirs, within or without said city, as they may deem expedient, to such point in the city of Charlestown as may be found most convenient to connect with a reservoir, or the pipes belonging to said city of Charlestown.

Land and real estate.

SECTION 3. The city of Charlestown may take and hold by purchase, or otherwise, lands and real estate necessary for erecting, laying and maintaining, and may erect, lay, and maintain such aqueducts, pipes, reservoirs, embankments, water-ways, drains or other structures as may be necessary or convenient to convey said water into, and for the use of the said city of Charlestown. And for the purposes of distribution may lay down pipes, to any house or building in said city, and may make and establish public hydrants in such places as may from time to time be deemed proper, and prescribe the purposes for which they may be used, and may change or discontinue the same; may regulate the use of the water within said city, and establish the prices or rents to be paid for the use thereof. And the said city may, for the purposes aforesaid, carry and conduct any aqueducts, or other works by them to be made and constructed, over or under any water-course, or any street, turnpike road, railroad, highway, or other way, in such manner as not to obstruct or impede travel thereon, and may enter upon and dig up any such road, street, or way, for the purpose of laying down said aqueducts or other works, and for maintaining and repairing the same.

Distributing pipe, hydrants, &c.

Use of water.

Rents.

Opening streets and roads.

Damages to property.

SECTION 4. The said city of Charlestown shall be liable to pay all damages that shall be sustained by any persons in their property by the taking of any land, or by the constructing of any aqueducts, reservoirs or other works, for the purposes

of this act. And if the owner of any land which shall be taken as aforesaid, or other person who shall sustain damage as aforesaid, shall not agree upon the damages to be paid therefor, he may apply, by petition, for the assessment of his damages, at any time within three years from the taking of the said land, as aforesaid, and not afterwards, to the superior court in the county of Middlesex, unless sooner barred as provided in the fifth section of this act. Such petition may be filed in the clerk's office of said court, in vacation or in term time, and the clerk shall thereupon issue a summons to the city of Charlestown, returnable, if issued in vacation, to the then next term of the said court, and if in term time, returnable on such day as the said court shall order, to appear and answer to the said petition; the said summons shall be served fourteen days at least before the return day thereof, by leaving a copy thereof, and of the said petition, certified by the officer who shall serve the same, with the mayor or clerk of said city; and the said court may, upon default or hearing of the said city, appoint three disinterested freeholders of this Commonwealth, who shall, after reasonable notice to the parties, assess the damages, if any, which petitioner may have sustained as aforesaid; and the award of the said freeholders, or of the major part of them, being returned into and accepted by the said court, shall be final, and judgment shall be rendered and execution issued thereon for the prevailing party, with costs, unless one of the said parties shall claim a trial by jury as hereinafter provided.

SECTION 5. Whenever any damages shall have been sustained by any persons, as set forth in the fourth section of this act, and such persons shall neglect to institute proceedings against the city of Charlestown, according to the provisions of this act, for the space of five months, it shall be lawful for the city of Charlestown to commence such proceedings, which shall go on and be determined in the same manner as if commenced by the persons who shall have sustained such damage; and if such persons on receiving due notice, shall not come in and prosecute the proceedings so instituted, judgment shall be entered against them, and they shall be forever barred from recovering any damages under this act. Judgment for damages, &c.

SECTION 6. If either of the parties mentioned in the fourth section of this act shall be dissatisfied with the amount of damages awarded as therein expressed, such party may, at the term at which such award was accepted, or the next term thereafter, claim, in writing, a trial in said court, and have a jury to hear and determine, at the bar of said court, Trial by jury.

all questions of fact relating to such damages, and to assess the amount thereof; and the verdict of such jury being accepted and recorded by the said court, shall be final and conclusive, and judgment shall be rendered and execution issue thereon, and costs shall be recovered by the said parties, respectively, in the same manner as is provided by law in regard to proceedings relating to the laying out of highways.

Petition to the
superior court
for assessment
of damages.

SECTION 7. In every case of a petition to the superior court for the assessment of damages, as provided in the fourth, fifth and sixth sections of this act, the city of Charlestown, by any of its officers, may tender to the complainant, or his attorney, any sum that it shall think proper, or may bring the same into court, to be paid to the complainant for the damages by him incurred or claimed in his petition; and if the complainant shall not accept the same, with his costs up to that time, but shall proceed in the suit, he shall be entitled to his costs up to the time of the tender, or such payment into court, and not afterwards; and the said city shall be entitled to recover its costs afterwards, unless the complainant shall recover greater damages than were so offered.

Water bonds or
scrip.

SECTION 8. For the purpose of defraying all the costs and expenses of constructing aqueducts and works necessary and proper for the accomplishment of supplying the city of Charlestown with water, and all expenses incident thereto, heretofore incurred or that may be hereafter incurred, the city council shall have authority to issue from time to time, scrip, notes or certificates of debt, to be denominated on the face thereof "Water Bonds of the City of Charlestown," to an amount not exceeding one hundred and twenty-five thousand dollars, bearing interest at a rate not exceeding the legal rate of interest in this Commonwealth, which shall be redeemable at a period of time not less than ten, nor more than fifty years, from and after the issue of the said scrip, notes or certificates, respectively; and the said city council may sell the same or any part thereof, from time to time, at public or private sale, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as the said city council shall judge proper; and the said city council may, for the purpose of meeting payments of such interest as may accrue upon any certificate of debt, make such farther issue of scrip, notes or certificates of debt, as may be necessary therefor.

Water rents.
Sinking fund.

SECTION 9. The city council shall, from time to time, regulate the price or rent for the use of the water, with a

view to the payment from the net income and receipts, not only of the semi-annual interest, but also ultimately of the principal of said debt so contracted, so far as the same may be practicable and reasonable; and the occupant of any tenement shall be liable for the payment of the price or rent for the use of the water in such tenement; and the owner thereof shall be also liable, if, on being notified of such use, he does not object thereto; and if any person or persons shall use any of the said water within said city, without the consent of said city, an action of tort may be maintained against him or them, for the recovery of damages therefor.

Liability of occupants and owners of estates.

SECTION 10. The city council may, from time to time, pass such by-laws and ordinances as they may deem proper, for the preservation and protection of any of the works within said city connected with the supplying of the city of Charlestown with pure and wholesome water, under and by virtue of this act: *provided*, such by-laws and ordinances are not inconsistent with any laws of this Commonwealth, or with the constitution thereof, subject at any time to be repealed or modified by the legislature, and may also organize a department with full powers for the management of such works, and the distribution of the said water.

Regulations and by-laws.

Proviso.

SECTION 11. The provisions of this act shall be void, unless submitted to and approved by the voters of the city of Charlestown, at meetings held simultaneously for that purpose in the several wards, upon notice duly given at least seven days before the time of holding said meetings.

Act to be approved by voters of Charlestown.

SECTION 12. This act shall take effect from and after its passage.

Approved June 12, 1860.

[1861, 105, 133; 1862, 195; 1863, 9; 1864, 123, 160, 176; 1865, 135; 1866, 212; 1867, 35, 60, 66, 224, 277, 343; 1868, 202, 249, 253.]

AN ACT to incorporate the First Unitarian Society in Woburn.

Chap. 219

Be it enacted, &c., as follows:

SECTION 1. J. B. Winn, Charles Choate, John Cummings, junior, E. W. Champney, George M. Champney, their associates and successors, are hereby made a corporation by the name of "The First Unitarian Society in Woburn;" with all the powers and privileges, and subject to the duties and liabilities, contained in chapter thirty of the General Statutes of this Commonwealth.

Corporators.

Title.

Powers and duties.

SECTION 2. Said corporation may hold real or personal estate, exclusive of such meeting-house as they may hereafter erect or purchase, the annual income whereof shall not exceed two thousand dollars, and shall be applied to parochial purposes.

Real and personal estate.

Assessments up-
on pews.

SECTION 3. Said corporation shall have power to assess upon the pews in their meeting-house, according to a valuation thereof to be first made and recorded by the clerk of the corporation, such sums of money as may be from time to time voted to be raised, for the support of public worship, and for other parochial purposes; and all such assessments may be collected as provided by the General Statutes of the Commonwealth.

Legal voters.

SECTION 4. At all meetings of the corporation, the proprietors of the meeting-house, and no other persons, shall be entitled to vote upon matters relating thereto.

Acts and doings
legalized.

SECTION 5. All the previous acts and doings of said society, and the records thereof, are hereby confirmed; and they are authorized and empowered to sell and convey any and all real estate which they now have and occupy.

May sell real
estate.

SECTION 6. This act shall take effect from and after its passage.

Approved June 12, 1860.

SECRETARY'S OFFICE, 1860.

In compliance with the 14th section of the 110th chapter of the General Statutes, returns of the following changes of names have been received at the Secretary's Department, as decreed by the several Judges of the Probate Courts, for their respective counties.

SUFFOLK COUNTY.

Nellie Frances Bartlett, takes the name of Nellie Frances Wright.

Williamina Arrabella Crolius, takes the name of Williamina Arabella Potter.

Caroline F. Eaton, takes the name of Betsey Watson Eaton.

John Finegan, takes the name of John Dillon.

Mary Elizabeth Goodwin, takes the name of Mary Elizabeth Johnson.

Anna Cordelia Adelaide Hanson, takes the name of Anna Cordelia Adelaide Johnson.

Heilda Hanson, takes the name of Sarah Eliza Swasey.

John Munroe Little, takes the name of John Mason Little.

Henrietta Stewart Robinson, takes the name of Marietta Stewart Foster.

Elizabeth Schrader, takes the name of Lizzie Paige.

Charlotte A. Snelling, takes the name of Charlotte A. Pratt.

William Mathew Smith, takes the name of William Smith Phillipson.

Mary Elizabeth Walker, takes the name of Minnie Cecilia Hatchman.

ESSEX COUNTY.

April 5, 1859. Josiah Dearborn Clark, of Methuen, a minor, takes the name of George Merrill Clark. Elisha K. Bailey and Emily A., his wife, of Salem, adopt Ella Meady, a minor, and said Ella takes the name of Ella Florence Meady Bailey.

April 19. John Johnson and Betsey P., his wife, of West Amesbury, adopt Lucy E. Goodhue, a minor, and said Lucy takes the name of Emma L. Johnson.

May 3. Lewis Tappan, of Manchester, takes the name of Lewis Northey Tappan. Charles H. Lane and Eliza G., his wife, of Gloucester, adopt Annah Frame, a minor, and said Annah takes the name of Myra Anna Lane.

June 7. Alexander Cobban, of Groveland, takes the name of George Albert Cobban. Aquilla R. Baker, of Marblehead, takes the name of William Rich Baker.

July 5. Orrin Ross Maddox, of Lynn, takes the name of Orrin Maddox Ross. James Hayes and Catharine, his wife, of Georgetown, adopt Michael O'Brien, a minor, and said Michael takes the name of Michael Hayes.

October 4. Thomas B. Cheever and Mary B., his wife, of Lynn, adopt William Otis Dearborn, a minor, and said William takes the name of William Otis Cheever. Asel Snow, of Methuen, adopts Eva Mathews, a minor, and said Eva takes the name of Evalyne Snow.

October 18. Isaac R. Gale and Susan P., his wife, of Haverhill, adopt George Tucker, a minor, and said George takes the name of William Gale.

December 6. Moses Longley and Sarah, his wife, of Rockport, adopt Victoria Stone, a minor, and said Victoria takes the name of Sarah Livonia Longley. William C. D. Page and Elizabeth J., his wife, of Newburyport, adopt George W. Bennett, a minor, and said George takes the name of William C. W. Page.

MIDDLESEX COUNTY.

January 4, 1859. John S. and Marianna R. Hartwell, of Littleton, adopt Ida Frances Hartwell, of Harvard, a minor.

John N. Peirce, Jr., and Mary D. Peirce, of Lowell, adopt Annie Augusta Peirce, a minor.

March 8. Samuel M. P. Hersey, of Charlestown, takes the name of Samuel M. Plummer. John J. and Lucy Bourne, of Charlestown, adopt Emma Fairbarn, of Somerville, a minor, and said Emma takes the name of Emma Lucy Bourne. Ezra and Caroline C. Wing, of Newton, adopt Amelia West, of Boston, a minor, and said Amelia takes the name of Carrie Amelia Wing.

April 26. Charles M. and Caroline A. Dinsmoor, of Cambridge, adopt William Richard Marshall Goodall, of Boston, a minor, and said William takes the name of William Richard Dinsmoor.

May 10. James and Mary D. Watson, of Lowell, adopt Mary Elizabeth Churchill, of Lowell, a minor, and said Mary takes the name of Mary Elizabeth Watson.

June 7. Mary Hamblet, of Dracut, adopts Ellen Quinn, of Dracut, a minor, and said Ellen takes the name of Mary Ellen Hamblet.

June 14. John Knight, 3d, of Woburn, takes the name of John Gould Knight. John Mirrorgen, of South Reading, takes the name of John Forrest.

June 28. James and Lizzie A. L. Hurd, of Waltham, adopt Emma Frances Gregory, of Waltham, a minor, and said Emma takes the name of Emma Frances Hurd.

August 9. John Barrett Brewster, of Malden, takes the name of John Calvin Brewster.

September 6. Henry C. and Caroline Parker, of Woburn, adopt Sarah Jane Card, of Raymond, New Hampshire, and said Sarah takes the name of Sarah Jane Parker.

October 11. David M. and Julia A. Lufkin, of Cambridge, adopt Emma Gertrude, a minor, and said Emma takes the name of Emma Gertrude Lufkin. Henry A. and Harriet Tufts, of West Cambridge, adopt Clara Lavinia Spalding, of Wilton, New Hampshire, a minor, and said Clara takes the name of Mary Lavinia Tufts.

October 25. Roswell W. and Mary H. Turner, of Newton, adopt Mary Jane McElmurry, of Clarksville, Maryland, a minor, and said Mary takes the name of Mary Frances Turner.

November 8. James and Lucy J. Pickering, of Waltham, adopt Jennie Taylor, of Newburyport, a minor, and said Jennie takes the name of Jennie Augusta Pickering.

November 22. John W. and Matilda Fairbanks, of Melrose, adopt Evalyn Maria Brown, of Lowell, a minor, and said Evalyn takes the name of Matilda Fairbanks.

December 13. John W. and Sarah S. Gardner, of Cambridge, adopt John Stewart, of Boston, a minor, and said John takes the name of Franklin Wesley Gardner.

WORCESTER COUNTY.

Cyrus Angell, takes the name of Cyrus Locke. William A. Frinke, takes the name of William Augustus Mandell. Sarah Anna Leonard, takes the name of Sarah Anna Leonard Howe. Wilbur Fiske, takes the name of William Arthur Loud. Georgiana Salisbury, takes the name of Georgiana Eliza Rugg. Martha Ann Peirce takes the name of Ann Eliza Wood. George Harrison Sherwin, takes the name of George Sherwin. Craft Eastman, takes the name of Edward Craft Eastman. John Carey, takes the name of John Carey Wood. Charles Sylvester Hoar, takes the name of Charles Sylvester Brooks. Patrick Duffy, takes the name of John Duffy. Hartwell B. Staples, takes the name of Thomas Benton Staples. Mary Elizabeth Clapp, takes the name of Mary Elizabeth Clapp Watson. Charles Follen Blood, takes the name of Charles Follen Blake. Helen B. Fish, takes the name of Emma Eldredge. Artemas Brigham, takes the name of Andrew Densmore. Jennie Rice, takes the name of Jennie Rice Eaton. Frank Wilder Messer, takes the name of Frank Wilder Gibson. Jessie F. Watson, takes the name of Jessie Watson Clark. Elizabeth Colon, takes the name of Elizabeth Greenwood. George W. A. Lane, takes the name of George W. Johnson. Elizabeth Reynolds, takes the name of Agnes Aldanah Billings. George Jones Gage, takes the name of George Tufts Brackett.

HAMPSHIRE COUNTY.

June 7, 1859. Alden B. Curtis and wife, of Worthington, adopt Willie Albro Mellen, and said Willie takes the name of Willie Albro Curtis.

July 5. Elbert Langdon and wife, of Westhampton, adopt Clarence H. Williams, and said Clarence takes the name of Clarence H. Langdon.

HAMPDEN COUNTY.

March 1, 1859. Isabel Julia Shaw, adopts Isabel Julia Smith.

July 5. Lizzie Pitman Vaille, takes the name of Lizzie Chase.

September 13. Elizabeth Frances Tainter, adopts Elizabeth Frances Brackett.

FRANKLIN COUNTY.

February 8, 1859. George L. Hovey and wife, of Greenfield, adopt Ellen E. Carpenter, a minor, and said Ellen takes the name of Ellen E. Hovey.

October 11. Shadrach B. Upton and wife, of Charlemont, adopt Mary Ellen Hawks, a minor, and said Mary takes the name of Mary Ellen Upton.

November 1. Abel Dutton and wife, of Colrain, adopt Fanny M. Wells, a minor, and said Fanny takes the name of Fanny B. Dutton. Amasa Bardwell and wife, of Shelburne, adopts Ida Mary Roberts, a minor, and said Ida takes the name of Ida Mary Bardwell.

BERKSHIRE COUNTY.

May 3, 1859. William and Amanda Rath, of Hinsdale, adopt Edward Homer England, and said Edward takes the name of Edward Homer Rath.

NORFOLK COUNTY.

Grenville Brooks and wife, of Quincy, adopt Anne Smith, a minor, and said Anne takes the name of Florence Eliza Brooks.

Andrew J. Loughton and wife, of Stoughton, adopt John Chisholm, a minor, and said John takes the name of Ernest Loughton.

William Henry Hitchcock and wife, of Sharon, adopt Beulah Wadsworth Sprague Joyce, a minor, and said Beulah takes the name of Beulah Josephine Hitchcock.

Rufus Daniels and wife, of Stoughton, adopt Mary Damon, a minor, and said Mary takes the name of Cora Ann Daniels.

Edwin Field and wife, of Brookline, adopt Frances Louisa Hendrick, a minor, and said Frances takes the name of Frances Louisa Field.

Henry L. Studley and wife, of Cohasset, adopt Elizabeth B. Sanderson, and said Elizabeth takes the name of Liza Studley.

Maria Antoinette Hill, of Foxborough, takes the name of Maria Antoinette Perry.

Frank Ellis Hill, of Foxborough, a minor, takes the name of Frank Ellis Perry.

BRISTOL COUNTY.

January 4, 1859. Joseph Lawton takes the name of Joseph Lawton Mosher.

June 7. Emeline A. Rounds, takes the name of Emeline A. Hathaway.

July 8. Walter Hollis, takes the name of Ernest Albert Guild.

PLYMOUTH COUNTY.

Juliet C. Morton, of Middleborough, a minor, takes the name of Hannah H. Morton. •

BARNSTABLE COUNTY.

Addie Maria Crowell, takes the name of Olivia James Crowell. Henry Ebenezer Crosby, takes the name of Henry Ebenezer Atkins. Eunice Clark Swift, takes the name of Eunice Catharine Swift.

No application for change of name has been made to the judges of probate and insolvency for the counties of Dukes and Nantucket, during the year 1859.

1861.

[1853, 415; 1854, 31; 1855, 430; 1857, 89; 1859, 5.]

Chap. 2. AN ACT to extend the Time for Locating and Constructing the Mystic River Railroad.*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows :*

Time for location extended.

The time allowed within which to locate and construct the Mystic River Railroad, is hereby extended two years.

Approved January 23, 1861.

[1863, 14; 1864, 54; 1865, 56; 1866, 278; 1868, 21.]

[1833, 105.]

Chap. 3. AN ACT to continue in force an Act to incorporate the Cambridge Mutual Fire Insurance Company.*Be it enacted, &c., as follows :*

Act of 1833 re-enacted.

The statute of the year one thousand eight hundred and thirty-three, incorporating the Cambridge Mutual Fire Insurance Company, shall be continued and remain in force from and after the fourteenth day of March, in the year one thousand eight hundred and sixty-one; and said company shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the general laws in relation to insurance companies, which have been or may hereafter be enacted.

Approved January 24, 1861.

[1859, 202.]

Chap. 4. AN ACT concerning the Lynn and Boston Railroad Company.*Be it enacted, &c., as follows :*

Towns and city authorized to locate track, company assenting.

SECTION 1. The selectmen of the several towns, and the mayor and aldermen of the city of Lynn, in which the Lynn and Boston Railroad Company was, by the act of its incorporation, authorized to construct its railroad, are hereby authorized to locate the track of the railroad of said company, upon and over such of the streets and highways within their respective corporations, as they may from time to time respectively determine, with the assent in writing of said company.

Locations to be made in pursuance of Act of incorporation.

SECTION 2. All locations made under the provisions of this act, shall be made in all respects in pursuance of the provisions of the act by which said company was incorpo-

rated; and said company is hereby authorized to construct, maintain and use its railroad located in pursuance of this act, upon and over the streets and highways of said towns and the city of Lynn, with the same powers and privileges, and subject to the same duties, liabilities and restrictions, as if the same had been located and constructed under the authority of the act by which said company was incorporated.

May maintain road as provided in said Act.

SECTION 3. This act shall be void, so far as relates to the construction of said railroad, in either of said towns and city, unless the same shall be accepted by the selectmen of said towns, and the mayor and aldermen of said city, respectively, and by said company, within one year after its passage.

Act to be void in one year unless accepted.

Approved January 26, 1861.

[1862, 192; 1863, 36; 1865, 184.]

[1831, 37; 1858, 153]

AN ACT to change the name of the Pine Street Congregational Society. *Chap. 5.*

Be it enacted, &c., as follows:

The Pine Street Congregational Society shall hereafter be called and known by the name of the Berkeley Street Congregational Society.

Name changed to Berkeley Street Congregational Society.

Approved January 28, 1861.

[1834, 195.]

AN ACT to authorize the Hingham Institution for Savings to hold Real Estate. *Chap. 6.*

Be it enacted, &c., as follows:

SECTION 1. The Hingham Institution for Savings is hereby authorized to hold real estate within the town of Hingham, to an amount not exceeding five thousand dollars: *provided*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site, and the erection or preparation of a suitable building, to be used for banking purposes. And all income, if any, arising from such real estate, shall be devoted exclusively to the interests of said corporation.

\$5,000 in real estate.

Proviso.

Income, how applied.

SECTION 2. This act shall take effect on its passage.

Approved January 28, 1861.

[1851, 148.]

AN ACT to extend and alter an Act to incorporate the Union Mutual Marine Insurance Company. *Chap. 7.*

Be it enacted, &c., as follows:

SECTION 1. The act passed on the fifteenth day of May, in the year eighteen hundred and fifty-one, entitled "An Act to incorporate the Union Mutual Marine Insurance Company," shall, as hereby modified, be and remain in force on and after the fifteenth day of May, in the year

Charter continued without limitation of time.

Powers and duties. eighteen hundred and sixty-one; and the said company shall be continued as a corporation for an unlimited term of time, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the fifty-eighth chapter of the General Statutes, and all other general laws applicable to mutual marine insurance companies.

Real estate. SECTION 2. The said corporation may hold real estate to the amount of ten thousand dollars.

Repeal. SECTION 3. So much of said "Act to incorporate the Union Mutual Marine Insurance Company," as is inconsistent herewith, is hereby repealed.

Approved January 28, 1861.

[1865, 17.]

[Special Laws, vol. 1, p. 317; vol. 2, p. 66; 1834, 37; 1860, 86.]

Chap. 8.

AN ACT concerning Patucket Bridge.

Be it enacted, &c., as follows:

Lowell and Dracut to maintain bridge, subject to control of county commissioners.

SECTION 1. When Patucket Bridge shall be laid out as a public highway, as provided in chapter eighty-six of the acts of the year one thousand eight hundred and sixty, the city of Lowell and the town of Dracut shall maintain and keep the same in repair at their joint equal expense, subject to the control of the county commissioners as provided in section two of the forty-fourth chapter of the General Statutes; and any fine or damage incurred by reason of said bridge being out of repair, as prescribed in section twenty-two of said chapter, shall be recovered of, and paid by, said city and town in equal portions.

County commissioners may alter at city and town's expense.

SECTION 2. If the county commissioners, upon due application to them, shall order said bridge to be altered or widened, the expense of such alteration or widening shall be borne and paid by the said city and town in equal portions.

Expenditures for repairs to be reimbursed.

SECTION 3. The proprietors of the locks and canals on Merrimack River shall reimburse to said city and town all sums expended by them in the necessary repair of that portion of said bridge erected by said proprietors, under an indenture between them and the proprietors of said bridge, dated November the eighteenth, in the year one thousand eight hundred and forty-six.

Repeal.

SECTION 4. The fifth section of chapter eighty-six of the acts of the year one thousand eight hundred and sixty, is hereby repealed.

SECTION 5. This act shall take effect upon its passage.

Approved January 31, 1861.

[1825, 162; 1826, 53; 1831, 7; 1847, 106.]

AN ACT to authorize the Hingham Mutual Fire Insurance Company to hold Real Estate. *Chap. 9.*

Be it enacted, &c., as follows :

The Hingham Mutual Fire Insurance Company is hereby authorized to hold real estate for the convenient transaction of its business, in the town of Hingham, to an amount not exceeding five thousand dollars. *Approved January 31, 1861.* \$5,000 in real estate.

AN ACT to incorporate the Paige Mills.

Chap. 10.

Be it enacted, &c., as follows :

SECTION 1. Charles S. Storrow, George W. Lyman, James Lawrence, J. W. Paige, their associates and successors, are hereby made a corporation by the name of the Paige Mills, for the purpose of manufacturing goods wholly or in part of cotton, woollen, or silk, in the city of Lawrence, in the county of Essex; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, and acts passed subsequent thereto relating to manufacturing corporations. Corporators. Name. Purpose. Location. Powers and duties.

SECTION 2. Said corporation may hold, for the purpose aforesaid, real estate to the amount of five hundred thousand dollars; and the whole capital stock of said corporation shall not exceed one million dollars, in shares of one hundred dollars each. Real estate. Capital stock and shares.

SECTION 3. This act shall take effect on its passage.

Approved January 31, 1861.

AN ACT changing the Boundary Line between the Towns of Belmont and West Cambridge. *Chap. 11.*

Be it enacted, &c., as follows :

The boundary line between the towns of Belmont and West Cambridge, between the points named, shall hereafter be established as follows, to wit: Commencing at a stone post on the north-westerly side of Spring Lane, near the house of Edward Fillebrown, and on the present line between said towns; thence running in a southerly direction on the westerly side of Spring Lane seventy-three rods and twelve links to a post; thence crossing Spring Lane at right angles, and running in a southerly direction on the easterly side of Spring Lane seventy-three rods and twelve links to the corner of Pleasant Street; thence turning at right angles and running in a northerly direction on the westerly side of Pleasant Street seven rods to a post; thence crossing Pleasant Street at right angles to the corner of Pond Street, and running on the north-easterly side of Pond Street in a south-easterly direction seventy-two rods to a post; thence crossing Boundaries established.

Pond Street at right angles at the north-easterly corner of Cross Street, and running on the south-westerly side of Pond Street, in a south-easterly direction, eighty-six rods, to a stone post standing on the original line between said towns of Belmont and West Cambridge. *Approved January 31, 1861.*

[1862, 34.]

[1837, 160; 1852, 255; 1853, 322; 1856, 290.]

Chap. 12. AN ACT authorizing the Cambridge Water Works to purchase the Property and Franchise of the Cambridgeport Aqueduct Company.

Be it enacted, &c., as follows:

Purchase and transfer authorized.

SECTION 1. The Cambridge Water Works are hereby authorized and empowered to purchase of the Cambridgeport Aqueduct Company, all their corporate property, both real and personal, together with the franchise thereof, and the Cambridgeport Aqueduct Company are hereby authorized and empowered to sell and transfer all their corporate property, with the franchise thereof, to the said Cambridge Water Works; and when said property shall have been purchased and transferred as aforesaid, all the rights, powers and privileges conferred upon the Cambridgeport Aqueduct Company by their act of incorporation, with all the duties, restrictions, and liabilities imposed by said act, shall be vested in the Cambridge Water Works, as fully and as legally as they now are in the Cambridgeport Aqueduct Company.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1861.

[1865, 153; 1866, 89; 1868, 13.]

[1839, 113; 1846, 3.]

Chap. 13. AN ACT further to increase the Capital Stock of the Naumkeag Steam Cotton Company.

Be it enacted, &c., as follows:

\$150,000 additional capital stock.

SECTION 1. The Naumkeag Steam Cotton Company is hereby empowered to increase its capital stock to the sum of twelve hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1861.

[1868, 144.]

[Special Laws, vol. 3, pp. 60, 287, 460; 1817, 112; 1824, 20; 1836, 149; 1840, 6; 1841, 5.]

Chap. 14. AN ACT granting further Time to the Suffolk Insurance Company to Close its Affairs.

Be it enacted, &c., as follows:

Time extended five years.

SECTION 1. The time within which the Suffolk Insurance Company is required, by the thirty-sixth section of the sixty-eighth chapter of the General Statutes, to settle and close their affairs, is hereby extended for the term of five years.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1861.

AN ACT to incorporate the Charlestown Freight Railroad Company. *Chap. 15.*

Be it enacted, &c., as follows :

SECTION 1. Ezra Eames, P. J. Stone, John Stimson, J. E. Bartlett, and George Johnson, their associates and successors, are hereby made a corporation by the name of the Charlestown Freight Railroad Company, with authority to construct, maintain and use, by themselves or others, a railway with convenient single or double tracks, switches and turnouts, from a point on the tracks of the Boston and Chelsea Railroad opposite Medford Street in the city of Charlestown, through Medford, Main and Cambridge Streets to the Boston and Maine Railroad; the location to be fixed and determined by the mayor and aldermen of the said city of Charlestown, to be accepted in writing by said corporation hereby established: *provided*, that before any location is made through said streets, notice thereof shall be given to the abutters thereon and all others interested, by advertising in a newspaper published in said Charlestown, the time and place when the mayor and aldermen will meet to locate said railroad, when any objection made thereto shall be heard and considered.

Corporators.

Name.

Location.

How determined.

Proviso.

SECTION 2. Said corporation hereby created, may enter upon and use the tracks of the Boston and Chelsea, the Middlesex, and the Boston and Maine Railroad Companies, and the tracks of such other railroad companies as they intersect, with the consent of such railroad companies, in such mode and upon such terms as may be mutually agreed upon in writing, with the companies upon whose tracks this railroad company may desire to enter.

May contract for use of tracks of other roads.

SECTION 3. The said road shall be constructed and maintained in such manner and upon such grade as the mayor and aldermen of said city of Charlestown may, in their votes fixing and determining the location thereof, prescribe and direct; and if said railroad company shall deem it expedient to alter the grade of any street, such alteration shall be made at the sole expense of said corporation, and shall not be made unless the same is first assented to by the mayor and aldermen of said city.

Road to be under direction of city of Charlestown.

SECTION 4. Said corporation shall maintain and keep in repair such portions of the streets as shall be occupied by their tracks, and shall be liable for any loss or injury that any person may sustain by reason of carelessness, neglect or mismanagement of its agents and servants, in the construction, management or use of said railroad, and shall not incumber any portion of said streets which shall not be occupied

Corporation to repair streets, and be liable for loss or injury from neglect.

Not to incumber streets.

Liability in case of recovery against city for neglect of corporation.

by their said railroad, switches and turnouts; and in case any recovery shall be had against said city by reason of any defect, want of repair or unauthorized obstructions, said corporation shall be liable to refund the same, together with all reasonable costs and expenditures incurred in the defence of any suit or suits in which recovery shall be had.

Motive power.
Speed and use of tracks.

SECTION 5. Said railroad shall be operated and used with horse-power only; and the mayor and aldermen of said city shall have power at all times to make all such regulations as to the rate of speed and mode of the use of the tracks, as the public convenience and safety may require.

Obstructions punishable.

SECTION 6. If any person shall wilfully or maliciously obstruct the said corporation in the use of their said railroad or tracks, or the passing of the cars or carriages of said corporation thereon, such person and all who shall be aiding and abetting therein shall be punished by a fine not exceeding five hundred dollars, or may be imprisoned in the county jail for a period not exceeding three months.

Penalty.

Penalty for obstruction by corporation.

SECTION 7. If said corporation or its agents or servants, shall wilfully obstruct any street or highway, or the passing of any carriage over the same, such corporation shall be liable to a fine not exceeding five hundred dollars.

Capital stock and shares.

SECTION 8. The capital stock of said corporation shall not exceed fifteen thousand dollars, to be divided into shares of one hundred dollars each; and no shares in the capital stock shall be issued for a less sum or amount to be actually paid in on each, than the par value of the shares which shall be first issued.

Real estate.

SECTION 9. Said corporation shall have power to purchase and hold such real estate within said city, as may be convenient and necessary for the purposes and management of said road.

Control of highways by authorities.

SECTION 10. Nothing in this act shall be construed to prevent the authorities of said city from entering upon and taking up any of the public streets traversed by said railroad, for the purposes for which they may now lawfully take up the same.

Annual returns.

SECTION 11. Said corporation shall be deemed a railroad corporation so far as to be subject to make such annual returns to the legislature as are or may be required by law, but not to the other general provisions of law in relation to railroad corporations.

Conditions of validity of Act.

SECTION 12. This act shall be void so far as relates to the right to construct said road, unless the same shall be accepted by the mayor and aldermen of said city, and unless the act shall be accepted by said corporation, and ten per

cent. of the capital stock thereof shall be paid in; and unless the location of said road shall be filed before the first day of November, in the year eighteen hundred and sixty-three.

SECTION 13. At any time after the expiration of one year from the opening for use of the tracks of said railroad in any streets in which the same may be located as provided by its charter, the mayor and aldermen of said city, may, by a vote of a major part thereof, discontinue the same; and thereupon the location shall be deemed to be revoked, and the tracks of said railroad shall forthwith be taken up and removed, in conformity with the vote or order of said mayor and aldermen: *provided*, that such taking up and removal shall be at the expense of said railroad corporation.

Road may be discontinued by mayor and aldermen.

Proviso.

Approved January 31, 1861.

[1859, 144; 1860, 17.]

AN ACT concerning the Cliftondale Railroad Company.

Chap. 16.

Be it enacted, &c., as follows:

SECTION 1. The selectmen of the several towns in which the Cliftondale Railroad Company was, by the act of its incorporation, authorized to construct its railroad, and the mayor and aldermen of the city of Lynn, are hereby authorized to locate the tracks of the railroad of said company upon and over such of the streets and highways within their respective corporations, as they may respectively from time to time determine, with the assent in writing of said company.

Location of tracks.

SECTION 2. The selectmen of the town of Melrose are hereby authorized to locate the tracks of said company upon and over such portion of the highway in said town known as the old Boston and Newburyport Turnpike, as they may determine, with the assent in writing of said company.

Location in Melrose.

SECTION 3. Said company is hereby authorized to construct, maintain and use their railroad from some convenient point upon the highway known as the old Boston and Newburyport Turnpike, to some point in Melrose near Swain's Pond: *provided*, that it shall not be constructed upon any highway or town way, unless its location thereon shall first be fixed and determined by the selectmen of the town in which such highway or town way is located, with the assent in writing of said company.

Route defined.

Proviso.

SECTION 4. All locations made under the provisions of this act, shall be made in all respects in pursuance of the provisions of the act by which said company was incorporated, and of the act in addition thereto, passed in the year one thousand eight hundred and sixty; and said company

Locations, how made.

Powers and duties. is hereby authorized to construct, maintain and use their railroad located in pursuance of this act, upon and over the streets and highways of said towns and city, and upon and over such land outside of the streets and highways in said towns, as said company may determine; with the same powers and privileges, and subject to the same duties, liabilities and restrictions, as if the same had been located and constructed under the authority of the act by which said company was incorporated, and the act in addition thereto, passed in the year one thousand eight hundred and sixty.

May issue bonds. **SINKING FUND.** SECTION 5. The bonds which said company was authorized to issue by the ninth section of the act by which it was incorporated, may be issued in sums of one hundred dollars each; and it is hereby declared to be the intention of said section to authorize the trustees of the sinking fund to invest said fund or any portion thereof in the bonds of said company.

Act to be void unless accepted. SECTION 6. This act shall be void so far as relates to the construction of said railroad in either of said towns, and in the city of Lynn, unless the same shall be accepted by the selectmen of said towns, and the mayor and aldermen of said city, respectively, and by said company, within one year after its passage.

Approved January 31, 1861.

[1862, 118; 1864, 133.]

[1833, 47.]

Chap. 17. AN ACT to continue in force an Act to incorporate the "Weymouth and Braintree Mutual Fire Insurance Company in Weymouth."

Be it enacted, &c., as follows:

Act of 1833 and Acts in addition, to remain in force. The statute of the year one thousand eight hundred and thirty-three, incorporating the "Weymouth and Braintree Mutual Fire Insurance Company," and the several acts in addition thereto, shall be continued and remain in force from and after the twentieth day of February, one thousand eight hundred and sixty-one; and said company shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the general laws in relation to insurance companies, which have been or may hereafter be enacted.

Powers and duties.

Approved January 31, 1861.

[1857, 227.]

Chap. 18. AN ACT concerning the Winnisimmet Railroad.

Be it enacted, &c., as follows:

May run cars over Winnisimmet Ferry. SECTION 1. The Winnisimmet Railroad Company is hereby authorized to run its cars over the Winnisimmet Ferry, and the passage-ways leading thereto, and belonging to said ferry; and for that purpose may construct, maintain

and use tracks, switches and turnouts, with the necessary appurtenances, upon and over the boats, drops and passageways, belonging to the Winnisimmet Ferry Company, for such rates of compensation as may be mutually agreed upon by said companies; and in case of disagreement between said companies, as to such rates of compensation, the same shall be fixed by three commissioners, to be appointed by the supreme judicial court. Compensation.

SECTION 2. This act shall take effect upon its passage.

Approved January 31, 1861.

[1862, 191.]

[1849, 135; 1850, 205; 1851, 109; 1858, 4; 1859, 11.]

AN ACT relating to the Springfield Fire and Marine Insurance Company. Chap. 19.
Be it enacted, &c., as follows:

So much of the first section of chapter eleven of the acts of eighteen hundred and fifty-nine, as requires the increase of the capital stock of the Springfield Fire and Marine Insurance Company, thereby authorized, to be paid in within two years from the passage of said act, is hereby repealed. Limitation for payment of capital repealed.

Approved January 31, 1861.

[1866, 35.]

AN ACT to incorporate the Real Estate and Building Company.

Chap. 22.

Be it enacted, &c., as follows:

SECTION 1. Charles B. Hall, James W. Stone, Jacob Sleeper, Samuel A. Bradbury, Holmes Ammidown, their associates, successors and assigns, are hereby made a corporation, during and for the term of twenty years from and after the passage of this act, unless this act shall be sooner repealed, by the name of the Real Estate and Building Company, for the purpose of purchasing, selling, leasing and improving real estate, in the towns of Dorchester, Milton and Dedham, now held by L. A. Huntington, William H. Seavey, and W. L. G. Hunt, as trustees of the Real Estate and Building Company, and no other, and performing such other legal acts as may be necessary in accomplishing said objects; with all the powers and privileges, and subject to all the duties, liabilities and conditions, set forth in the sixtieth and sixty-eight chapters of the General Statutes. Corporators.
Name.
Purpose.
Powers and duties.

SECTION 2. The capital stock of said corporation shall be one hundred thousand dollars, divided into shares of fifty dollars each, with liberty to increase the said stock to two hundred and fifty thousand dollars: *provided*, that the said corporation shall not transact any business until at least seventy-five thousand dollars in cash shall have been paid in. Capital stock and shares.
Proviso.

Approved February 6, 1861.

[1864, 26.]

[1860, 24.]

Chap. 23. AN ACT in addition to an Act to incorporate the Town of Acushnet.

Be it enacted, &c., as follows :

Registry of deeds. SECTION 1. The town of Acushnet shall be and remain a part of the southern district of the county of Bristol, for the registry of deeds.

Record of deeds, &c., to be valid. SECTION 2. All deeds, mortgages, notices or certificates of foreclosure, and other instruments required by law to be recorded, and now recorded, or which shall hereafter be recorded, in the registry of deeds for said southern district of the county of Bristol, shall have the same force and effect, and the record of the same in said registry shall be of the same force and effect, as if the said town of Acushnet had been and remained a part of the town of Fairhaven.

Approved February 6, 1861.

Chap. 24. AN ACT to authorize John P. Ober to build a Wharf in Gloucester.

Be it enacted, &c., as follows :

In Gloucester. John P. Ober, proprietor of land and flats situate in that part of Gloucester known as Eastern Point, is hereby authorized to build and maintain thereon a wharf, extending three hundred feet in a north-westerly direction into the cove from the main road or high-water mark, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however,* that this grant shall in no wise impair the legal rights of any person.

Approved February 6, 1861.

[1834, 133; 1857, 8.]

Chap. 25. AN ACT in addition to an Act to incorporate the Belvidere Woolen Manufacturing Company.

Be it enacted, &c., as follows :

Additional powers granted. SECTION 1. The Belvidere Woolen Manufacturing Company is hereby authorized to prosecute the manufacture of woolen and cotton goods in Lowell, in the county of Middlesex.

\$180,000 additional capital stock. SECTION 2. Said corporation may increase its capital stock to an amount not exceeding three hundred thousand dollars, and may invest such portion thereof in real and personal estate as may be necessary or convenient for the prosecution of its business.

Approved February 6, 1861.

Chap. 26. AN ACT to incorporate the Milton Gas Light Company.

Be it enacted, &c., as follows :

Corporators. SECTION 1. John D. Bradlee, Sumner A. Burt, Edward L. Pierce, their associates and successors, are hereby made a corporation by the name of the Milton Gas Light Company, in Milton, for the purpose of manufacturing and sell-

Name.

Purpose.

ing gas in the town of Milton; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes. Powers and duties.

SECTION 2. Said corporation may, for the purpose aforesaid, hold real estate not exceeding in value twenty thousand dollars, and the whole capital stock shall not exceed one hundred thousand dollars. Real estate.
Capital stock.

SECTION 3. Said corporation, with the consent of the selectmen of the town of Milton, shall have the power and authority to dig up and open the ground in any part of the streets, lanes and highways in said town, for the purpose of sinking and repairing such pipes and conductors as may be necessary for the purpose aforesaid; and the said corporation, after opening the ground in such streets, lanes or highways, shall be held to put the same again in repair, under the penalty of being prosecuted for a nuisance: *provided*, that the selectmen of said town may regulate, restrict and control all acts and doings of such corporation, which may in any manner affect the health, safety, convenience or property of the inhabitants of said town. May open streets, sink pipes, &c.
Proviso.

Approved February 6, 1861.

[1864, 56.]

[1860, 160.]

AN ACT to authorize the Selectmen of Harwich to construct a Bridge across Herring River. Chap. 27.

Be it enacted, &c., as follows:

The selectmen of the town of Harwich are hereby authorized to construct and maintain a bridge, and to establish the same as a town way, across Herring River, in said Harwich, on the line of a road laid out in the year eighteen hundred and sixty, and commencing at the lower county road in said town, near the dwelling-house of Job Chase, and thence extending northerly over Bell's Neck to the upper county road. Location defined.

Approved February 6, 1861.

[1861, 37.]

[1832, 98; 1836, 117; 1849, 118, 217; 1853, 235; 1854, 135.]

AN ACT to increase the Capital Stock of the Bristol County Bank.

Chap. 28.

Be it enacted, &c., as follows:

SECTION 1. The president, directors and company of the Bristol County Bank, of Taunton, are hereby authorized to increase their present capital stock, by an addition thereto of one hundred and fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *pro-* \$150,000 additional capital stock.
Shares.
Proviso.

vided, that the whole amount shall be paid in before the first day of November, in the year one thousand eight hundred and sixty-one.

Remonstrance to be made in writing.

SECTION 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, their remonstrance shall be made, in writing, to the cashier of the bank, on or before the first day of July next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Liable to tax, &c.

SECTION 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate to secretary of Commonwealth.

SECTION 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into the said bank, shall be returned into the office of the secretary of the Commonwealth.

SECTION 5. This act shall take effect upon its passage.

Approved February 6, 1861.

[1856, 168; 1859, 20.]

Chap. 29. AN ACT to extend the Time for locating and constructing the Springfield and Farmington Valley Railroad.

Be it enacted, &c., as follows:

Time for location and construction extended.

The time for locating and constructing the Springfield and Farmington Valley Railroad, is hereby extended three years from the time designated in the twentieth chapter of the acts of eighteen hundred and fifty-nine.

Approved February 9, 1861.

[1864, 107; 1867, 53.]

Chap. 30. AN ACT to authorize Daniel S. Webber to extend his Wharf in Gloucester.

Be it enacted, &c., as follows:

May extend two hundred and twenty-five feet.

Daniel S. Webber, proprietor of a wharf in Gloucester, situated in that part of the town known as Fresh Water Cove, is hereby authorized to extend and maintain said wharf in its present width, two hundred and twenty-five feet from the starting point of said wharf towards the centre of the channel; and shall have the right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor: *provided, however*, that this grant shall in no wise impair the legal rights of any person.

Proviso.

Approved February 9, 1861.

[1822, 106; 1839, 18; 1850, 137.]

AN ACT in addition to an Act to incorporate the Boston Society of the New Jerusalem. *Chap. 31.*

Be it enacted, &c., as follows:

The Boston Society of the New Jerusalem, in addition to the power given in the second section of its charter of incorporation, and in other acts in addition thereto, may take and hold for religious, charitable and educational purposes, in fee simple or otherwise, by gift, grant, devise or purchase, any real or personal estate: *provided*, the annual income of all said estate shall not exceed six thousand dollars. *May hold real and personal estate.* *Amount.*

Approved February 9, 1861.

AN ACT to authorize Beniah Colburn and others to extend their Breakwater in Gloucester. *Chap. 32.*

Be it enacted, &c., as follows:

Beniah Colburn, William J. Torrey, Blanchard Clifford, and Thomas Hale, proprietors of a breakwater in Gloucester, situated in that part of the town known as Hodgkins' Cove, are hereby authorized to extend and maintain said breakwater, three hundred feet in a northerly direction; and shall have the right to lay vessels at the end and sides of said breakwater, and to receive wharfage and dockage therefor: *provided, however*, that this grant shall in no wise impair the legal rights of any person or corporation. *May extend three hundred feet.* *Proviso.*

Approved February 9, 1861.

[1851, 139; 1852, 220; 1853, 258; 1854, 336; 1859, 268.]

AN ACT extending the Time for the Location and Construction of the Stoneham Branch Railroad. *Chap. 33.*

Be it enacted, &c., as follows:

The time allowed to the Stoneham Branch Railroad Company for the location and construction of its railroad, is hereby extended one year beyond the time fixed therefor by its act of incorporation, entitled "An Act to incorporate the Stoneham Branch Railroad Company," and approved April sixth, in the year one thousand eight hundred and fifty-nine. *Extended one year.*

Approved February 9, 1861.

[1861, 111; 1862, 104.]

[1813, 145.]

AN ACT to increase the Capital Stock of the Troy Cotton and Woolen Manufacturing Company. *Chap. 34.*

Be it enacted, &c., as follows:

The Troy Cotton and Woolen Manufacturing Company is hereby authorized to increase its capital stock in a sum not exceeding three hundred thousand dollars, so that its whole capital shall be five hundred thousand dollars. *\$300,000 additional capital stock.*

Approved February 9, 1861.

[1851, 269.]

Chap. 35. AN ACT to increase the Capital Stock of the Essex Bank of Haverhill.
Be it enacted, &c., as follows :

\$100,000 additional capital stock.

Shares.

Proviso.

Remonstrance to be made in writing.

Liable to tax, &c.

Certificate to secretary of Commonwealth.

SECTION 1. The president, directors and company of the Essex Bank of Haverhill, are hereby authorized to increase their present capital stock by an addition thereto of one hundred thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided*, that the whole amount shall be paid in before the first day of November, in the year one thousand eight hundred and sixty-one.

SECTION 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, their remonstrance shall be made in writing, to the cashier of the bank, on or before the first day of July next ; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

SECTION 3. The additional stock aforesaid, when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, as is the present capital stock of said bank.

SECTION 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier, under oath, that the same has been actually paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECTION 5. This act shall take effect upon its passage.

Approved February 9, 1861.

[1860, 160 ; 1861, 27.]

Chap. 37. AN ACT to authorize the Maintenance of a Bridge over Herring River in Harwich.

Be it enacted, &c., as follows :

Location of bridge.

Maintenance, in case, &c.

SECTION 1. Anthony Kelley and Isaiah Baker, of Harwich, in the county of Barnstable, with their associates, are hereby authorized and empowered to maintain a bridge over Herring River in said Harwich, at a place between Oak Island and Bell's Neck, where a bridge is now built.

SECTION 2. If at any time hereafter the way now constructed and leading over said bridge is accepted as a town way, the said bridge from and after such acceptance shall be maintained by the said town of Harwich.

SECTION 3. This act shall take effect upon its passage.

Approved February 9, 1861.

[1856, 274.]

AN ACT to confirm the Organization and Proceedings of the Agawam Bridge Company. *Chap. 38.*

Be it enacted, &c., as follows :

SECTION 1. The organization of the Agawam Bridge Company, made on the twenty-eighth day of June, in the year eighteen hundred and fifty-six, and the further measures adopted to organize said corporation on the thirtieth day of June, in the year eighteen hundred and sixty, and all the proceedings of said corporation, under and by virtue of said organizations, or either of them, as the same are recorded in the books of record of the stockholders and directors of the same, now in the possession of George P. Geer, clerk of said corporation, are hereby ratified, fully established and confirmed, as the acts, doings and records of a legally organized corporation; and the persons elected and now acting as the officers of said Agawam Bridge Company, according to said records, are hereby confirmed in their respective offices, and authorized to perform all their respective official duties, until their successors are duly chosen and qualified, any defects or informalities in the organization or proceedings of said corporation, heretofore existing, to the contrary notwithstanding.

Records of clerk
ratified and con-
firmed.

Acting officers
confirmed.

SECTION 2. The time within which said corporation was required by its charter to build and finish a bridge as therein authorized, is hereby extended to the first day of January, in the year eighteen hundred and sixty-four.

Time for comple-
tion of bridge ex-
tended.

Approved February 9, 1861.

[1864, 164; 1868, 303.]

[1855, 29.]

AN ACT to authorize the Salem Five Cents Savings Bank to hold Real Estate. *Chap. 39.*

Be it enacted, &c., as follows :

SECTION 1. The Salem Five Cents Savings Bank in the city of Salem, is hereby authorized to hold real estate within the city of Salem, to an amount not exceeding twenty thousand dollars: *provided*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site, and the erection or preparation of a suitable building to be used for banking purposes; and all income, if any, arising from such real estate, shall be devoted exclusively to the interests of said corporation.

\$20,000 in real
estate for bank-
ing purposes.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1861.

Chap. 41. AN ACT to incorporate the North Adams Gas Light Company.*Be it enacted, &c., as follows :***Corporators.****Name.****Purpose.****Powers and duties.****Capital stock and real estate.****May open streets, sink pipes, &c.****Proviso.**

SECTION 1. Edward R. Tinker, Henry L. Dawes, John B. Tyler, their associates and successors, are hereby made a corporation by the name of the North Adams Gas Light Company, in Adams, for the purpose of manufacturing and selling gas in the town of Adams; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters and sections sixteen and seventeen of chapter sixty-one of the General Statutes.

SECTION 2. Said corporation may, for the purpose aforesaid, hold real estate not exceeding in value twenty thousand dollars, and the whole capital stock shall not exceed one hundred thousand dollars.

SECTION 3. Said corporation, with the consent of the selectmen of the town of Adams, shall have the power and authority to dig up and open the ground in any part of the streets, lanes and highways in said town, for the purpose of sinking and repairing such pipes and conductors as may be necessary for the purpose aforesaid; and the said corporation, after opening the ground in such streets, lanes or highways, shall be held to put the same again in repair, under the penalty of being prosecuted for a nuisance: *provided*, that the selectmen of said town may regulate, restrict and control all acts and doings of such corporation, which may in any manner affect the health, safety, convenience or property of the inhabitants of said town.

Approved February 14, 1861.

[1864, 57.]

[1849, 194; 1850, 268; 1851, 325; 1852, 47; 1853, 311; 1854, 421, 447; 1860, 44, 205.]

Chap. 44. AN ACT to extend the Time within which to construct a Portion of the Midland Railroad.*Be it enacted, &c., as follows :***Time extended for construction.****Proviso.**

The time within which the Midland Railroad Company may construct that portion of its railroad which was originally authorized under the act incorporating the Southbridge and Blackstone Railroad Company, is hereby extended to the first day of May, in the year eighteen hundred and sixty-two: *provided, however*, that any person whose land or other property has been taken by said railroad company, shall have one year in addition to the time now allowed by law to avail himself of the remedies provided in the sixty-third chapter of the General Statutes.

Approved February 15, 1861.

[1861, 155; 1862, 126; 1863, 116; 1868, 145.]

[1855, 112.]

AN ACT to change the Name of the Mechanics' Mutual Fire Insurance Company. *Chap. 45.*

Be it enacted, &c., as follows :

The Mechanics' Mutual Fire Insurance Company, of Worcester, shall hereafter be called and known by the name of the Worcester Manufacturers' Mutual Insurance Company. *Name changed.*

Approved February 15, 1861.

AN ACT to incorporate the Bowditch Manufacturing Company. *Chap. 46.*

Be it enacted, &c., as follows :

SECTION 1. George D. Phippen, William D. Pickman, J. Wiley Edmands, Francis Brown, and Josiah Spaulding, their associates and successors, are hereby made a corporation, by the name of the Bowditch Manufacturing Company, for the purpose of manufacturing cotton and other fibrous materials, in the city of Salem, in the county of Essex; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, and all acts passed subsequent thereto relating to manufacturing corporations. *Corporators. Name. Purpose. Location. Powers and duties.*

SECTION 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of three hundred thousand dollars; and the whole capital stock of said corporation shall not exceed five hundred thousand dollars, in shares of one hundred dollars each: *provided, however,* that said corporation shall not go into operation, until the sum of two hundred and fifty thousand dollars of its capital stock has been paid in, in cash. *Real estate. Capital stock and shares. Proviso.*

SECTION 3. This act shall take effect upon its passage.

Approved February 15, 1861.

[1860, 16.]

AN ACT in addition to an Act to incorporate the Arkwright Mutual Fire Insurance Company. *Chap. 47.*

Be it enacted, &c., as follows :

The Arkwright Mutual Fire Insurance Company, established in Boston, may, after providing for all losses and liabilities, distribute to the members severally entitled thereto, any surplus income of the business of said company, by issuing the scrip of the company therefor, on interest, payable within two years from its date; and the company may continue to hold such surplus income, and appropriate the same, if necessary to the payment of losses, before any assessments are made on the members of the company; and such payments, if any, shall be deducted from the amount of such scrip at its maturity. *Additional powers granted.*

Approved February 15, 1861.

[1862, 3.]

Chap. 48. AN ACT to incorporate the Quincy Railroad Company.*Be it enacted, &c., as follows :***Corporators.****Name.****Location.****Connection.****Proviso.****Proviso****Location over Neponset Bridge.****Connection with
Dorchester Ave-
nue or other
road.**

SECTION 1. William S. Morton, John J. Glover and Robert B. Leuchars, their associates and successors, are hereby made a corporation by the name and title of the Quincy Railroad Company, with power to construct, maintain and use a railway or railways, with convenient single or double tracks with suitable turnouts, from such point or points in the town of Quincy, upon and over the streets or highways therein, to the line separating said town from the town of Dorchester, as shall, from time to time, be fixed by vote of the selectmen of said town, and assented to in writing by said corporation, and thence upon and over either side of the Neponset Turnpike, so called, with authority to pass over such creeks and streams as their road traverses, by suitable bridges, when needed, and thence upon and over the Neponset Bridge, and such streets and highways in said town of Dorchester, as shall, from time to time, be fixed by vote of the selectmen of said town of Dorchester, and assented to by said corporation in writing, so as to connect with the Dorchester Avenue Railroad at Glover's Corner or Field's Corner, so called, at such points as may be agreed on in writing by said two railroad companies, and assented to by the selectmen of said last named town: *provided*, that all tracks of said Quincy Railroad shall be laid at such distances from the sidewalks in said towns as the selectmen of said towns shall, in their orders fixing the route of said railroad, respectively, determine to be for the public safety and convenience: *provided, further*, that before the location and construction of any track in any of said streets or highways, the selectmen of said towns, respectively, shall give notice to the abutters thereon, fourteen days at least before the hearing, that they may show cause, if any there be, why said tracks shall not be so located and constructed.

SECTION 2. The location of said railroad over said Neponset Bridge, and the manner in which the same shall be built, and the construction of a draw or draws in said bridge, and the mode in which the same shall be tended, managed and opened, for the passage of vessels and the maintenance of that portion of said bridge on which said railroad is located and runs, shall be subject to the approval of the county commissioners of the county of Norfolk, while the said bridge continues to be a county road.

SECTION 3. The said Quincy Railroad Company shall have the right at the points of connection with the said Dorchester Avenue Horse Railroad, to enter upon and travel

over with their cars and vehicles, the tracks of the said Dorchester Avenue Railroad, and any other railroad now connecting therewith in the city of Boston, upon terms to be agreed on in writing, by the respective companies interested; and in case of disagreement as to the mode of connection, or the manner, time or extent of use of said railways, respectively, or the compensation to be paid therefor, the same shall be adjusted and determined by three commissioners, to be appointed by the supreme judicial court upon petition of either of the parties interested; and the compensation of all commissioners appointed by said court, shall be paid by the parties in interest in equal shares.

Disagreement,
how adjusted.

SECTION 4. Nothing in this act shall be construed to prevent the lawful authorities in said towns or city from taking up any of the streets or highways traversed by said railroad or its cars, for the purposes for which they may now lawfully take up the same.

Rights of city and
town authorities
not impaired.

SECTION 5. Said railroad shall be operated by horse-power only, and the selectmen of the said towns and the mayor and aldermen of said city, may at all times make such regulations as to the rate of speed and mode of use of the tracks laid or used by said Quincy Railroad within their respective highways and streets, as they may deem best for the public safety and convenience; and they shall also respectively have the power at any time after the expiration of one year from the opening of said railway for use, upon any street or highway on which the same may be located under this act, to order that the whole or any part thereof shall be discontinued, and thereupon, as to such part, the location shall be deemed to be revoked; and the tracks of said railway shall thereupon forthwith be removed, in conformity with such order, at the expense of said Quincy Railroad Company.

Motive power,
speed, and use
of track.

SECTION 6. Said Quincy Railroad Company is hereby authorized to purchase and hold such real and personal estate within said towns and city, as may be needful or convenient for the purposes of its railroad; and also to fix from time to time such rates of compensation for transportation of persons or property, as they think expedient; and shall be subject to all general laws which have been or may hereafter be enacted relating to horse railroads.

Real and person-
al estate.

Rates of fare.

SECTION 7. Said Quincy Railroad Company shall maintain and keep in repair such portion of the streets and highways in said towns, and of said Neponset Bridge, and of any other bridge, as shall be used for its tracks, and shall not encumber any other portion thereof; and shall be liable

Repairs of high-
ways.

- Liabie for injury from neglect.** for any loss or injury that may be sustained by reason of any carelessness, neglect or misconduct of its agents or servants in the construction, management or use of said railway, streets and bridges; and in case any recovery shall be had against either of said towns or said city, or against any corporation, by reason of such carelessness, neglect or misconduct, said Quincy Railroad Company shall be liable to pay to said towns and city and corporation, respectively, the amount so recovered, and all reasonable costs of defending the suits in which such recovery may be had: *provided*, that said Quincy Railroad Company have due notice from said towns or city or other corporation, of the pendency of such suits, and due opportunity to take upon themselves the defence thereof, which they are hereby empowered to do.
- Liability to towns in case of recovery of damages.**
- Proviso.**
- Penalty for obstructing tracks or highways.** SECTION 8. Any person who shall wilfully obstruct said company in the use of the tracks hereby authorized, or the passing of the cars thereon, or shall aid and abet therein, shall be punished by fine not exceeding five hundred dollars, or imprisonment in the common jail not exceeding three months. If said Quincy Railroad Company or any of its agents or servants wilfully obstruct any street or highway, or the passing of carriages thereon, said company shall be punished by fine not exceeding five hundred dollars.
- Right to purchase franchise, &c., by towns of Quincy and Dorchester.** SECTION 9. The towns of Quincy and of Dorchester may at any time during the continuance of this charter, and after the expiration of ten years from the opening for use of said railroad, purchase of said company all its franchise, rights and property, by paying to said company therefor such a sum of money as will reimburse to each person who may then be a stockholder therein, the par value of his stock, together with a net profit of ten per cent. per annum from the time of the issue or transfer of the stock to him, deducting the dividends received by such stockholder thereon.
- Capital stock and shares.** SECTION 10. The capital stock of said Quincy Railroad Company shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each, and no shares shall be issued for a less amount to be actually paid in on each, than the par value of the shares which shall be first issued.
- May issue bonds, &c.** SECTION 11. Said Quincy Railroad is hereby authorized and empowered to issue bonds, in sums not less than one hundred dollars each, for the purpose of constructing and equipping their road, the amount thereof not to exceed the capital stock paid in, and to be approved, certified, recorded and secured, in the same way as the Cambridge Horse Railroad bonds heretofore authorized by law.

SECTION 12. Said Quincy Railroad shall be deemed a railroad corporation so far as to make the annual returns to the legislature which are or may be required to be made by law, but shall not be subject to the other provisions of law relative to railroad corporations except as provided in section six. Annual returns.

SECTION 13. The Quincy Railroad Company is hereby empowered to lease or sell its franchise, rights and property, to the said Dorchester Horse Railroad Company, or to any other connecting horse railroad company, and in case of such sale the purchasing company shall be entitled to all the rights and privileges, and to be subject to all the liabilities of said Quincy Railroad Company in virtue of this charter. Right to sell franchise, &c.

SECTION 14. This act shall be void unless said charter shall be accepted by said Quincy Railroad Company, and said road located within one year from the date of the passage hereof. Acceptance of charter.

SECTION 15. This act shall take effect upon its passage.

Approved February 15, 1861.

[1862, 14; 1864, 251.]

AN ACT to incorporate the Peabody Manufacturing Company. Chap. 50.
Be it enacted, &c., as follows :

SECTION 1. Elijah W. Upton, Henry Poor, and Francis Dane, their associates and successors, are hereby made a corporation by the name of the Peabody Manufacturing Company, for the purpose of manufacturing cotton goods, in the town of South Danvers, in the county of Essex, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, and all subsequent acts relating to manufacturing corporations. Corporators.
Name.
Purpose.
Location.
Powers and duties.

SECTION 2. The capital stock of said corporation shall be four hundred thousand dollars, and they may hold real estate to the amount of three hundred thousand dollars. Capital stock.
Real estate.

SECTION 3. The par value of the capital stock of said corporation shall be one hundred dollars per share, and no shares in said capital stock shall be issued for a less sum or amount than the par value. Shares not to be issued at less than par.

SECTION 4. This act shall take effect from its passage.

Approved February 15, 1861.

[1846, 228; 1848, 130; 1849, 180; 1850, 214; 1851, 283; 1852, 124; 1854, 421; 1856, 139; 1857, 162.]

Chap. 51. AN ACT to authorize the Dorchester and Milton Branch Railroad Company to extend its Railroad.

Be it enacted, &c., as follows:

Union with Mid-
land Railroad au-
thorized.

SECTION 1. The Dorchester and Milton Branch Railroad Company is authorized to extend its railroad from the present terminus at Mattapan, to some convenient point of intersection with the Midland Railroad in Dorchester, and to connect and unite said Branch Railroad with said Midland Railroad, as aforesaid, and use the same; with all the benefits, and subject to all the duties and liabilities set forth in the acts relating to railroad corporations and connecting roads; with the right, on the part of said corporation, to convey or lease its road, property and franchise to said Midland Railroad Company.

May lease or con-
vey road.

Time of location
and completion
fixed.

SECTION 2. If the location of said extension be not filed within two years from the passage of this act, or said extension be not completed within three years, this act shall be void.

Approved February 15, 1861.

[1863, 205.]

Chap. 52. AN ACT establishing the Boundary Line between the Towns of Brewster and Orleans.

Be it enacted, &c., as follows:

Boundary line
defined and lim-
ited.

The line between the towns of Brewster and Orleans, between the points named, shall hereafter be established as follows, to wit: commencing at a stone monument standing on the westerly side of a county road, near the dwelling-house of Josiah Linnell, of Orleans, on the line between said towns, and marked "B. O."; thence southerly by the westerly line of said road, one hundred and nine rods; thence crossing said road at right angles, to the easterly line of said road; thence southerly, by the easterly line of said road, two hundred rods and six links; thence south forty-two and one-half degrees east, seven rods and seven links, to a stone monument marked "B. O.," standing in the present line between said towns. *Approved February 20, 1861.*

[1838, 24; 1853, 314.]

Chap. 53. AN ACT authorizing the First Independent Church in Groveland to sell Real Estate.

Be it enacted, &c., as follows:

Treasurer may
execute deed.

SECTION 1. The trustees for the time being of the First Independent Church in Groveland, are hereby authorized to sell their meeting-house and land, and the treasurer of said trustees for the time being is authorized to execute a deed for the conveyance thereof.

SECTION 2. The proceeds of such sale shall be applied, first, to the payment of the debts of the proprietors, and the remainder to the pew owners, in accordance with the appraisal made by the trustees after the house was altered.

Proceeds of sale,
how applied.

Approved February 20, 1861.

AN ACT to authorize Sylvanus N. Staples and William H. Phillips to build a Wharf in Taunton. *Chap. 54.*

Be it enacted, &c., as follows:

Sylvanus N. Staples and William H. Phillips, proprietors of land and flats situated in that part of Taunton known as Weir Village, and on the eastern side of Taunton River, extending from Plain Street to the land of Mrs. Sybil Paull, are hereby authorized to build and maintain thereon a wharf, extending not exceeding three feet beyond the ordinary low-water mark in said river, and shall have the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however*, that this grant shall in no wise impair the legal rights of any person.

Wharf in Taunton.

Wharfage and dockage.

Proviso.

Approved February 20, 1861.

[1864, 116.]

[1825, 44; 1832, 39; 1833, 3; 1850, 11.]

AN ACT to reduce the Capital Stock and the Number of the Directors of the National Insurance Company of Boston. *Chap. 55.*

Be it enacted, &c., as follows:

SECTION 1. The National Insurance Company of Boston is hereby authorized to reduce its capital stock from five hundred thousand dollars to three hundred thousand dollars, and to divide the excess among the stockholders thereof proportionally.

Amount of reduction of capital.

SECTION 2. Said National Insurance Company is hereby authorized to reduce the number of its directors from twenty-five, to such number, not less than five, as shall be fixed upon at a legal meeting of the stockholders thereof.

Number of directors.

SECTION 3. Said National Insurance Company may avail itself of, and is subject to all general laws of the Commonwealth relating to insurance corporations, so far as applicable to said company.

Subject to general laws.

SECTION 4. This act shall take effect when said company shall not be liable on any one risk, for a sum exceeding one-tenth part of the capital existing and surplus, after deducting all losses, claims, liabilities and debts due from the company.

When to take effect.

Approved February 20, 1861.

[1867, 28.]

Chap. 56. AN ACT to incorporate the Abington Gas Light Company.*Be it enacted, &c., as follows :*

Corporators.

Name.

Powers and duties.

Real estate.

Capital stock and shares.

May lay and repair pipes.

To keep highways in repair.

Penalty.

Proviso.

SECTION 1. George W. Chipman, Joseph French, and Charles G. Easterbrook, their associates and successors, are hereby made a corporation by the name of the Abington Gas Light Company, for the purpose of manufacturing and selling gas, in the town of Abington; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the sixty-eighth chapter of the General Statutes.

SECTION 2. Said corporation may for the purpose aforesaid, hold real estate not exceeding in value fifty thousand dollars; and the whole capital stock shall not exceed two hundred thousand dollars, in shares of one hundred dollars each.

SECTION 3. Said corporation, with the consent of the selectmen of the town of Abington, shall have power and authority to open the ground, in any part of the streets, lanes and highways in said town, for the purpose of sinking and repairing such pipes and conductors, as it may be necessary to sink for the purpose aforesaid; and the said corporation, after opening the ground in such streets, lanes or highways, shall be held to put the same again in repair, under the penalty of being prosecuted for a nuisance: *provided*, that the said selectmen, for the time being, shall at all times have power to regulate, restrict and control all acts and doings of the said corporation, which may in any manner affect the health, safety, convenience or property of the inhabitants of said town.

Approved February 21, 1861.

[1847, 269; 1848, 143; 1851, 123; 1852, 178, 251; 1853, 185; 1856, 243; 1857, 102; 1859, 12; 1860, 42.]

Chap. 57. AN ACT authorizing the Agricultural Branch Railroad Company to change the Location of its Road.*Be it enacted, &c., as follows :*

Location changed

Authority is hereby granted to the Agricultural Branch Railroad Company, to change the location of its road in or near the town of Clinton.

Approved February 21, 1861.

[1861, 202; 1862, 124; 1865, 2, 170; 1867, 83, 153.]

Chap. 58. AN ACT to confirm a Lease made pursuant to the Provisions of Chapter One Hundred and Three of the Resolves of the Year Eighteen Hundred and Fifty-nine.*Be it enacted, &c., as follows :*

Lease confirmed.

SECTION 1. The lease made by the land agent, with the approval of the governor and council, to George Odiorne, dated December fourth, in the year eighteen hundred and sixty, giving a right of way not exceeding five rods wide,

for a period of five years, across the flats and channels lying between the commissioners' line at the easterly shore of Wood Island, so called, at East Boston, and the town of Winthrop, is hereby confirmed to said Odiorne, his representatives and assigns, with all the powers and subject to all the conditions and provisions in this act contained.

SECTION 2. Said Odiorne, his representatives and assigns, are authorized to build, maintain and use, during said term of five years, upon the strip of flats comprised in said lease, a temporary open pile bridge, with a suitable and convenient draw for the passage of vessels, which draw shall be always opened, on demand, for the passage of vessels which cannot pass under said bridge; said bridge to be so built and used, for the purpose of transporting gravel from Winthrop to East Boston, for the filling up of flats at said East Boston, the property of the East Boston Company, and for no other use or purpose whatever.

Powers conferred.

Conditions.

SECTION 3. Said bridge shall not be built until a good and sufficient bond, in the sum of five thousand dollars, with sureties to be approved by the governor and council, and in form approved by the attorney-general, shall be filed in the office of the attorney-general, conditioned that at or before the expiration of said term of five years, said bridge shall be removed, and the piles thereof taken up, so that the same shall in no manner interfere with navigation over said flats and channel. And in case said bridge shall not be so removed, it shall be lawful for any person injured thereby, to remove the same, and to recover by an action upon said bond, in the name of the Commonwealth, all expenses incurred in such removal.

Bond required.

Conditions.

Proviso.

SECTION 4. Nothing herein contained shall be so construed, as to authorize said bridge to be used for the construction of a horse railroad, or for the transportation of passengers thereon.

Use of bridge defined.

Approved March 1, 1861.

[1828, 84.]

AN ACT to authorize the South Parish in Braintree to sell Real Estate, and to apply the avails thereof. **Chap. 59.**

Be it enacted, &c., as follows:

SECTION 1. Leave is hereby granted, so far as the Commonwealth is concerned, to the South Parish in Braintree, to sell in fee simple the real estate heretofore devised to said parish by John R. Hollis, late of said Braintree, deceased, and to apply the proceeds of said sale, together with certain personal property with the accumulations thereof, also given

May sell real estate.

Application of proceeds.

to them by said Hollis, in his last will and testament, to the rebuilding of their church edifice.

SECTION 2. This act shall take effect upon its passage.

Approved March 1, 1861.

[1866, 93.]

Chap. 60.

AN ACT to incorporate the Channing Home, in Boston.

Be it enacted, &c., as follows :

Corporators.

Name.

Powers and duties.

Real and personal estate.

SECTION 1. Charles P. Curtis, junior, Theodore Metcalf, and J. Nelson Borland, their associates and successors, are hereby made a corporation, by the name of the Channing Home, in Boston, for the purpose of providing an asylum for poor invalids ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes.

SECTION 2. The said corporation may hold, for the purpose aforesaid, real estate to the amount of fifty thousand dollars, and personal estate to the amount of fifty thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved March 1, 1861.

Chap. 61.

AN ACT to incorporate the Mechanics' Savings Bank, in Lowell.

Be it enacted, &c., as follows :

Corporators.

Name.

Location.

Powers and duties.

William A. Burke, Samuel Fay, Andrew Moody, Benjamin C. Sargeant, Isaac Cooper, Alfred Gilman, John W. Smith, with their associates and successors, are hereby made a corporation, by the name of the Mechanics' Savings Bank in Lowell, to be established and located in the city of Lowell ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the fifty-seventh chapter of the General Statutes, and in all other laws of this Commonwealth relating to institutions for savings.

Approved March 1, 1861.

Chap. 62.

AN ACT to incorporate the East Cambridge Land Company.

Be it enacted, &c., as follows :

Corporators.

Name.

Powers and duties.

SECTION 1. James C. Dunn, Estes Howe, Henry Potter, Joseph H. Converse, and Edmund Munroe, their associates and successors, are hereby made a corporation, by the name of the East Cambridge Land Company, with all the powers and privileges, and subject to the duties, liabilities and restrictions, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, with power to purchase and hold, in fee simple or otherwise, all or any part of that tract of land and flats situated in Cambridge, and bounded westerly by Portland Street, southerly by Hampshire Street

and Broadway, easterly by the commissioners' line on Charles River, and northerly by Bridge and Cambridge Streets; with all the privileges and appurtenances thereto belonging.

SECTION 2. Said corporation shall have power to sell and convey, lease, mortgage or otherwise dispose of said corporate property or any part thereof, and to manage and improve the same, with authority to construct dams, docks, wharves and buildings, and to lay out streets and passage-ways and otherwise improve the same, as it shall be deemed expedient: *provided*, that nothing herein contained shall give said corporation any right not belonging to the riparian proprietors, to extend their wharves or otherwise improve said premises.

Power to sell, &c.

Streets and improvements.

Proviso.

SECTION 3. The capital stock of said corporation shall not exceed three hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

Capital stock and shares.

SECTION 4. This act shall be in force for a term of twenty years, unless sooner repealed by the legislature.

Duration.

Approved March 1, 1861.

[1863, 133.]

An Act to incorporate the Salem and South Danvers Railroad Company. *Chap. 63.*
Be it enacted, &c., as follows:

SECTION 1. William Sutton, George Osborne, Sidney C. Bancroft, Henry L. Williams, and Benjamin C. Perkins, their associates and successors, are hereby made a corporation, by the name of the Salem and South Danvers Railroad Company; with power to construct, maintain and use a railroad, with convenient single or double tracks, from such point or points in the town of South Danvers as shall be fixed by the selectmen of the said town, with the assent in writing of said corporation, filed with said selectmen, and upon and over such of the streets and highways of said town as shall be from time to time fixed and determined by said selectmen, with the assent in writing of said corporation, filed as aforesaid, to the intersection of the same with the streets and highways of the city of Salem; and then upon and over such of the streets and highways of the city of Salem as shall be from time to time fixed and determined by the mayor and aldermen of said city, with the assent in writing of said corporation filed with the city clerk of said city, and also over and upon such other land in said town or city as said corporation may elect to build their road or roads upon and over. Said railroad track or tracks shall be laid at such distance from the sidewalks in said town or

Corporators.

Name.

Location.

Tracks, how to be laid.

city as the selectmen of said town and the mayor and aldermen of said city shall, respectively, within the limits of their several jurisdictions, in their order fixing the routes of said railroad, determine to be for the public safety and convenience.

Notice to abutters.

SECTION 2. Before proceeding to locate the track or tracks of said railroad in any street or highway, as aforesaid, in said town of South Danvers or said city of Salem, the selectmen of said town or mayor and aldermen of said city, respectively, shall give notice to the abutters thereon, by publication in such newspapers as said selectmen or mayor and aldermen shall determine, at least fourteen days before such meeting, of the time and place at which they will fix and determine the location and manner of construction of such track or tracks; and such abutters may then and there appear, and show cause, if any there be, why said track or tracks should not be so located and constructed.

Construction and maintenance of road.

SECTION 3. Said railroad shall be constructed and maintained in such form and manner, and upon such grade, as the selectmen of said town and mayor and aldermen of said city, respectively, shall, by their votes, fixing and determining the routes thereof, as aforesaid, prescribe and direct; and whenever, in the judgment of said corporation, it shall be necessary to alter the grade of any street so occupied by it, the sole expense of said alteration shall be paid by said corporation; and such alteration shall not be made unless the assent of the selectmen of the town or of the mayor and aldermen of the city within which it is proposed to be made, shall first be obtained.

Alteration of grade of streets.

Mode of use and rate of speed.

SECTION 4. Said tracks or road shall be operated and used with horse-power only; and the selectmen of said town and mayor and aldermen of said city, shall have power at all times to make all such regulations as to the rate of speed and mode of use of the tracks, as the public convenience and safety may require, within the limits of their respective corporations.

Capital stock and shares.

SECTION 5. The capital stock of said corporation shall not exceed fifty thousand dollars, to be divided into shares of one hundred dollars each.

Real estate.

SECTION 6. Said corporation shall have power to purchase and hold such real estate within said town of South Danvers and city of Salem, or either of them, as may be convenient or necessary for the purposes and management of said railroad.

Existing corporate rights.

SECTION 7. Nothing in this act shall be construed to prevent the selectmen of said town, or the mayor and alder-

men of said city, or the Salem and Danvers Aqueduct Company, or the Salem Gas Light Company, from entering upon and taking up any of the public streets or bridges traversed by said railroad, for any purpose for which they may now lawfully take up the same.

SECTION 8. Said corporation shall keep and maintain in repair such portions of the streets and bridges, respectively, as shall be occupied by their tracks, or injured thereby, and shall be liable for all loss or injury that any person may sustain by reason of any carelessness, neglect, or misconduct of its agents or servants, in the management, construction or use of said tracks, roads or bridges; and in case any recovery shall be had against said town or city, by reason of any defect or want of repairs in the streets or bridges, caused by the corporation or its servants, said corporation shall be liable to pay said town or city, respectively, or either of them, any sums thus recovered against them, together with all costs and reasonable expenditures incurred by them, respectively, in defence of any such suit or suits in which recovery may be had; and said corporation shall not use any portion of the streets or bridges not occupied by said road or tracks.

Corporation to maintain highways, and be liable for injuries from mismanagement.

Liability for damages recovered against city or town.

Use of highway.

SECTION 9. If any person shall wilfully and maliciously obstruct said corporation or their agents in the use of said railroad or tracks, or the passing of the cars or carriages of said corporation thereon, such persons, and all who shall be aiding or abetting therein, shall be punished by a fine not exceeding five hundred dollars, or may be imprisoned in the common jail for a period not exceeding three months. And if said corporation or its agents or servants shall wilfully and maliciously obstruct any highway, or passing of any carriage over the same, said corporation shall be punished by a fine not exceeding five hundred dollars.

Penalty for obstructing corporation.

Penalty for obstruction by corporation.

SECTION 10. Said corporation shall have power to fix, from time to time, such rates of compensation for transporting persons and property as they may think expedient; but the rate of passenger fare shall not exceed five cents per mile to each passenger; and shall have all powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes, passed on the twenty-eighth day of December, in the year eighteen hundred and fifty-nine.

Rates of fare and freight.

Powers and duties.

SECTION 11. At any time after the expiration of one year from the opening for use of the tracks of said railroad in any street or road in which the same shall be located, as

Track may be discontinued by town, &c., in one year.

Removal to be at
corporation's ex-
pense.

Salem and South
Danvers may pur-
chase franchise,
&c., after ten
years.

Conditions.

Character and
liabilities of
corporation.

Acceptance of
act.

provided by its charter, the selectmen of said town, or mayor and aldermen of said city, respectively, may, by a vote of the major part thereof, determine as to so much of said track as is located within their respective limits, that the same or any part thereof be discontinued; and thereupon the location shall be deemed to be revoked, and the tracks of said railroad shall forthwith be taken up and removed in conformity with such vote or order of said selectmen or mayor and aldermen; and such taking up and removal shall be at the expense of said railroad corporation.

SECTION 12. The town of South Danvers and city of Salem, or either of them, may, at any time during the continuance of the charter of said corporation, and after the expiration of ten years from the opening of any part of said road for use, purchase of said corporation all the franchise, property, rights and furniture of said corporation, by paying therefor such a sum as will reimburse to each person who shall then be a stockholder therein, the par value of his stock, together with a net profit of ten per cent. per annum, from the time of the transfer of said stock to him on the books of the corporation, deducting the dividends received by said stockholder thereon; said town or city having the right to purchase only that part of the corporate property which relates to and lies within the limits of their own jurisdictions, respectively, and paying therefor a proportionate sum, on the basis above mentioned, to be ascertained and fixed by commissioners to be appointed by the supreme judicial court.

SECTION 13. Said corporation shall be deemed a railroad corporation, so far as to be subject to all existing provisions of law for the taking of land, and the assessment and payment of damages for land outside of the streets, taken by them for their tracks, and also to make such annual returns to the legislature as are or may be prescribed by law, and also to all such general provisions of law as are or may be prescribed, relative to horse or street railroads.

SECTION 14. This act shall be void so far as relates to the right to construct said road in said town or city unless the same shall be accepted by the selectmen of said town and mayor and aldermen of said city, respectively, and by said corporation, and unless said railroad shall be constructed within one year from the passage of this act.

SECTION 15. This act shall take effect upon its passage.

Approved March 1, 1861.

[1862, 32; 1863, 97; 1864, 284; 1865, 118, 201; 1867, 6.]

AN ACT to incorporate the Massachusetts Eclectic Medical Society. *Chap. 64.**Be it enacted, &c., as follows :*

SECTION 1. William E. Underwood, Joseph Jackson, Seth C. Ames, C. Edward Miles, F. H. Kelley, W. C. George, H. W. Buxton, R. W. Geddes, Job T. Dickins, H. S. Dearborn, Paul W. Allen, W. Edwin Wright, E. E. Spencer, their associates and successors, physicians, are hereby made a corporation by the name of the Massachusetts Eclectic Medical Society; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes.

Corporators.

Name.

Powers and duties.

SECTION 2. Said corporation may hold real and personal estate to the amount of fifty thousand dollars.

Real estate.

SECTION 3. The members of said society, or such of their officers or members as they shall appoint, shall have full power and authority to examine all candidates for membership, concerning the practice of medicine and surgery, and if, upon such examination, the said candidates shall be found qualified for membership, they shall receive the approbation of the society.

Examination for membership, &c.

SECTION 4. This act shall take effect upon its passage.

*Approved March 2, 1861.*AN ACT to incorporate the Northampton and Shelburne Falls Railroad Company. *Chap. 65.**Be it enacted, &c., as follows :*

SECTION 1. Lewis Bodman, A. D. Saunders, D. G. Littlefield, Charles N. Yeamans, Luther Bodman, junior, Joel Hayden, Ebenezer G. Lamson, Samuel L. Hill, their associates and successors, are hereby made a corporation by the name of the Northampton and Shelburne Falls Railroad Company; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixty-third chapter of the General Statutes, and in all other general laws which have been or shall be hereafter passed relative to railroad corporations.

Corporators.

Name.

Powers and duties.

SECTION 2. Said company are empowered to locate, construct and maintain a railroad, with one or more tracks, from a point in the town of Northampton, by the most convenient route, through the towns of Williamsburg, Whately, Conway, and Buckland, to the village of Shelburne Falls.

Location.

SECTION 3. Said company may contract with the stockholders of any roads with which it may connect, for the merging of the stock of said roads, or for the running and operating of said roads conjointly, or for the leasing of said roads, or for the hiring of their own road, upon such terms as the directors of said roads may agree, with the assent of

Power to connect, merge, lease, &c.

May unite with
Hampshire and
Hampden and
with Troy and
Greenfield Com-
panies.

the votes of three-fourths of the stockholders of said respective roads, voting thereon at a meeting called for that purpose.

SECTION 4. Said corporation may enter upon and unite their railroad with the Hampshire and Hampden Railroad by proper turnouts and switches at some convenient point in Northampton, at or near the engine-house of the said road. The said Northampton and Shelburne Falls Railroad Company may also enter upon and unite their railroad with the Troy and Greenfield Railroad by proper turnouts and switches at some convenient point in the village of Shelburne Falls, and may use the same under the provisions and restrictions of the laws relating to the use of railroads in this Commonwealth.

Construction.

SECTION 5. Said company are authorized to construct their road by sections; the first section to extend from the said point in Northampton to a point in Williamsburg; the second section to extend from the point in Williamsburg to a point in Conway; the third section to extend from the point in Conway to the northern terminus in Shelburne Falls.

Capital stock.

SECTION 6. The capital stock of said road shall consist of four thousand and eight hundred shares of one hundred dollars each, and the company may purchase and hold such real and personal estate as may be necessary for the purposes of its incorporation.

Real estate.

Conditions of
construction—
First section.

SECTION 7. Said company may commence the construction of the first section when one thousand two hundred shares of said capital stock shall have been subscribed for by responsible parties, and twenty per centum paid on each of said one thousand two hundred shares, and a certificate thereof, subscribed and sworn to by the president and a majority of the directors, shall be filed in the office of the secretary of the Commonwealth.

Second section.

SECTION 8. Said company may commence the second section whenever an additional one thousand seven hundred shares of said stock shall have been subscribed for by responsible parties, and twenty per centum paid thereon, and a certificate thereof filed as aforesaid.

Third section.

SECTION 9. Said company may commence the third section whenever an additional one thousand nine hundred shares of said stock shall have been subscribed for by responsible parties, and twenty per centum paid thereon, and a certificate thereof filed as aforesaid.

Limitation for
filing location.

SECTION 10. If the location of any section of said road shall not be filed within two years, and any section shall not be constructed within five years, the company shall not thereafter be authorized to complete such section or sections.

Approved March 5, 1861.

[1862, 56; 1863, 69, 210; 1866, 96; 1867, 159; 1868, 305.]

AN ACT to incorporate the Boston Penny Savings Bank.**Chap. 66.***Be it enacted, &c., as follows :*

Amos B. Merrill, Edward A. Raymond, Pliny Nickerson, Corporators.
 Alden Speare, Moses Kimball, Albert J. Wright, R. K.
 Potter, Zibeeon Southard, John P. Robinson, George H.
 Davis, Job A. Turner, Joseph F. Paul, Jesse Holbrook, A.
 A. Ranney, C. A. Richards, Judah Sears, Hiram Emery,
 Benjamin Smith, Charles G. Greene, Francis J. Parker,
 William Brigham, Stephen Smith, William Fox Richardson,
 George Eaton, Joseph T. Bailey, their associates and succes-
 sors, are hereby made a corporation by the name of the Name.
 Boston Penny Savings Bank, to be located at such place in
 Boston, near Dover Street, as such corporation determines ;
 with all the powers and privileges, and subject to all the Powers and du-
ties.
 duties, liabilities and restrictions, set forth in the fifty-
 seventh chapter of the General Statutes, and all other laws
 of the Commonwealth relating to savings banks.

Approved March 9, 1861.

[1863, 187; 1867, 79.]

AN ACT to incorporate the Natick Gas Light Company.**Chap. 68.***Be it enacted, &c., as follows :*

SECTION 1. John B. Walcott, G. P. Fay, Leonard Winch, Corporators.
 their associates and successors, are hereby made a corpora-
 tion, by the name of the Natick Gas Light Company, for the Name.
 purpose of manufacturing and selling gas in the town of
 Natick ; with the powers and privileges, and subject to all Powers and du-
ties.
 the duties, restrictions and liabilities, set forth in the sixtieth
 and sixty-eighth chapters of the General Statutes, and in
 all other acts passed subsequent thereto, relating to manu-
 facturing corporations.

SECTION 2. Said corporation may, for all the purposes Real estate.
 aforesaid, hold real estate not exceeding in value twenty-five
 thousand dollars, and the whole capital stock shall not Capital stock.
 exceed fifty thousand dollars.

SECTION 3. Said corporation may, with the consent of the May dig up pub-
lic ways with con-
sent of selectmen.
 selectmen of the town of Natick, dig up and open the ground
 in any of the highways, town ways, streets or lanes of said
 town, so far as is necessary to accomplish the objects of the
 corporation ; but such consent shall not affect the right or
 remedy to recover damages, for any injury which shall be
 caused to persons or property, by the doings of said corpo-
 ration. Said corporation shall put all such highways, town Repairs, &c.
 ways, streets or lanes, so opened, into as good repair as they
 were in when opened by them, and upon failure to do
 so, within a reasonable time, shall be deemed guilty of a
 nuisance.

Selectmen may
control doings of
corporation.

SECTION 4. The selectmen of the town of Natick may regulate, restrict and control, all the acts and doings of said corporation, which may in any manner affect the health, safety, convenience or property of the inhabitants of said town.

SECTION 5. This act shall take effect upon its passage.

Approved March 9, 1861.

[1855, 114.]

Chap. 69. AN ACT in addition to an Act to incorporate the Great Pasture Company in the City of Salem.

Be it enacted, &c., as follows :

May hold addi-
tional lands.

SECTION 1. The Great Pasture Company in the city of Salem, is hereby empowered to purchase and hold in addition to the lands now held by said company, and for the same uses and purposes for which it now holds its lands, a parcel of land containing about twenty acres, which is bounded as follows, namely: north-westerly by lands of said company, north-easterly by lands of Stearns, south-easterly by the Mill Pond, so called, and south-westerly by lands of Derby and others.

SECTION 2. This act shall take effect upon its passage.

Approved March 9, 1861.

Chap. 70. AN ACT to incorporate the Fall River Mutual Fire Insurance Company.
Be it enacted, &c., as follows :

Corporators.

Name.

Powers and du-
ties.

Guilford H. Hathaway, Benjamin F. Winslow, Baylies Chace, their associates and successors, are hereby made a corporation by the name of the Fall River Mutual Fire Insurance Company, to be established in the city of Fall River, for the purposes of effecting mutual insurance upon dwelling-houses, other buildings and personal property, against loss or damage by fire; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the fifty-eighth chapter of the General Statutes, and to all other laws applicable to mutual fire insurance companies.

Approved March 9, 1861.

Chap. 71. AN ACT authorizing the Towns of Shelburne and Buckland to make an Appropriation for Military Purposes.

Be it enacted, &c., as follows :

May appropriate
\$500 for uni-
forms.

The towns of Shelburne and Buckland, in the county of Franklin, are hereby authorized to appropriate, each, a sum not exceeding five hundred dollars, for the purpose of purchasing suitable uniforms for the use of the members of Company H, of the tenth regiment of the Massachusetts

Volunteer Militia: *provided, however*, that the towns aforesaid, at a public-town meeting legally held for that purpose, and two-thirds of the voters being present and voting thereon, shall vote to make such appropriation. Proviso.

Approved March 15, 1861.

[1848, 1.]

AN ACT in addition to an Act to incorporate the Howard Fire Insurance Company. Chap. 73.

Be it enacted, &c., as follows:

The Howard Fire Insurance Company in the city of Lowell, county of Middlesex, is hereby authorized to have its principal office in the city of Boston, and its corporate name shall hereafter be the Howard Fire Insurance Company. Name changed and location established.

Approved March 15, 1861.

[1864, 33.]

AN ACT to incorporate the Little Sipwissett Cranberry and Fishing Company in the Town of Falmouth. Chap. 74.

Be it enacted, &c., as follows:

SECTION 1. Barnabus Bowerman, Silas Gifford, and Prince G. Moore, their associates and successors, are hereby made a corporation, by the name of the Little Sipwissett Cranberry and Fishing Company, for the purpose of improving and regulating the Little Sipwissett Meadow, in the town of Falmouth, by flowing and draining said meadow as the company shall deem best for the culture of cranberries, and also for the purpose of regulating and protecting the alewife fishery in a pond in said meadow, and in the river leading from said pond to Buzzard's Bay. Corporators. Name.

SECTION 2. Said company shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the sixty-eighth chapter of the General Statutes. Powers and duties.

SECTION 3. Whoever shall obstruct the passage of alewives between said pond and bay, in either direction, or without the permission of said corporation shall take any alewives from said pond or river, or shall set, drag or shoot any seine in Buzzard's Bay, within fifty rods of the mouth of said river, for the purpose of taking alewives therefrom, shall forfeit a sum not exceeding twenty dollars, which shall inure to the benefit of the company. Penalty for obstructing passage of fish, &c.

SECTION 4. This act shall take effect upon its passage.

Approved March 15, 1861.

[1832, 23.]

Chap. 75. AN ACT to authorize the Fairhaven Institution for Savings to hold Real Estate.*Be it enacted, &c., as follows :*

\$10,000 in real estate.

Proviso.

SECTION 1. The Institution for Savings in the town of Fairhaven, in Bristol County, is hereby authorized to hold real estate within the town of Fairhaven, to the amount of ten thousand dollars: *provided*, that all income, if any, arising from such real estate, shall be devoted exclusively to the interests of said corporation.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1861.

[1859, 204.]

Chap. 76. AN ACT to amend the Charter of the Boston and Southern Steamship Company.*Be it enacted, &c., as follows :*

Routes of navigation defined.

Proviso.

The steamships owned or chartered by the Boston and Southern Steamship Company, may be employed and navigate the ocean between any of the ports of the United States, excepting Philadelphia and Baltimore, or between any of the ports of the United States, and any port or ports of the Island of Cuba, or of Mexico, or of Central America, or of any of the colonial dependencies of Great Britain: *provided*, that if under this charter the steamers, or either of them, of the Boston and Southern Steamship Company, shall be employed between Boston and New Orleans, they shall be withdrawn from New Orleans whenever, in the judgment of the directors of the Union Steamship Company, the interests of said Union Steamship Company are prejudiced thereby; in such case, it shall be the duty of the directors of the Union Steamship Company, to request, in writing, the directors of the Boston and Southern Steamship Company, to discontinue their steamers in said service, within thirty days from the date of said request.

*Approved March 15, 1861.***Chap. 77.** AN ACT to incorporate the Franklin Savings Bank of Boston.*Be it enacted, &c., as follows :*

Corporators.

SECTION 1. Osmyn Brewster, John H. Thorndike, L. Miles Standish, Daniel Davies, Henry N. Hooper, Frederick H. Stimpson, John Cowdin, Frederic W. Lincoln, junior, Nathaniel J. Bradlee, Uriel Crocker, Franklin Darracott, Charles U. Cotting, Francis C. Manning, Otis Norcross, Calvin W. Clark, James H. Beal, Jacob Sleeper, Alexander S. Wheeler, Benjamin C. Clark, junior, Alexander H. Rice, their associates and successors, are hereby made a corpora-

tion, by the name of the Franklin Savings Bank of the city of Boston, and located in said city, east of Washington Street, between Summer and Essex Streets; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the fifty-seventh chapter of the General Statutes, and all other laws of this Commonwealth relating to institutions for savings.

Name.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved March 15, 1861.

[1852, 148; 1859, 251; 1860, 71.]

AN ACT concerning the Eastern Avenue Corporation.

Chap. 79.

Be it enacted, &c., as follows:

SECTION 1. The provisions of chapter twenty-one, of the acts of the year one thousand eight hundred and sixty, authorizing the Eastern Avenue Company to change their location, are hereby extended to January first, in the year eighteen hundred and sixty-two.

Provisions of Act of 1860 extended.

SECTION 2. So much of said avenue as shall be built within the commissioners' line, established May twenty-fifth, in the year one thousand eight hundred and fifty-three, for solid structure, may, with the consent of the mayor and aldermen of the city of Boston, be built solid; and said city of Boston is hereby authorized to grant aid to said corporation, in such manner, and upon such conditions, as the said city may deem expedient: *provided*, said avenue shall be constructed with suitable draw or draws, and proper sluiceways, which draw or draws it shall be in the power of the legislature to change and widen, at the expense of the corporation, or their successors.

Construction of Avenue.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved March 20, 1861.

[1862, 163; 1865, 55; 1868, 326.]

[1849, 169; 1851, 85; 1852, 116, 150; 1853, 147; 1854, 124; 1857, 253]

AN ACT to authorize the Fairhaven Branch Railroad Company to convey its Franchise and Property.

Chap. 80.

Be it enacted, &c., as follows:

SECTION 1. The Fairhaven Branch Railroad Company, for the benefit of the creditors thereof, is authorized to transfer by deed, its franchise, with all its property, privileges and duties; and all attachments, if any, upon said franchise or property, shall be thereby dissolved.

Conveyance authorized.

SECTION 2. Any railroad corporation now incorporated in this Commonwealth, is hereby authorized to purchase the same, at public or private sale, and receive a transfer thereof; and if such transfer shall be made to any such railroad cor-

Authority to purchase conferred upon other railroad corporations

poration, then, from and after the delivery of the deed of transfer, the present corporation shall cease, and the railroad corporation receiving such grant, shall not be required to hold separate meetings as the Fairhaven Branch Railroad Company, but shall do all acts relating to its new duties and rights, at its own regular or special meetings, or by its own directors; and all expenses incident to the management of the subject of such transfer, and all profits arising therefrom, shall be borne by and accrue to such railroad corporation. But said grantee shall not be liable for the debts of said Fairhaven Branch Railroad Company.

Conditions of
transfer to in-
dividuals.

SECTION 3. If such transfer shall be made to any other persons than to such incorporated railroad company, then such persons and their associates shall organize anew, under the charter of said Fairhaven Branch Railroad Company; and until such organization, shall not enjoy the rights and privileges of said charter. But such newly organized corporation shall not be liable for the debts of the former corporation.

Proceeds of
transfer, how
appropriated.

SECTION 4. The proceeds of said franchise and property shall, upon the transfer of the same, be forthwith appropriated by the directors of the company making said transfer, to the payment, *pro rata*, of its debts and liabilities, and any balance that may remain, over said debts and liabilities, shall be divided, *pro rata*, among the stockholders.

Directors may
mortgage fran-
chise.

SECTION 5. Said Fairhaven Branch Railroad Company is authorized, (if its directors shall so elect,) to mortgage its franchise, property and privileges, which mortgage shall be to trustees, to secure bonds to be issued in accordance with the sixty-third chapter of the General Statutes.

SECTION 6. This act shall take effect upon its passage.

Approved March 21, 1861.

[1855, 408; 1857, 140.]

Chap. 81. AN ACT concerning the Waltham and Watertown Railroad Company.
Be it enacted, &c., as follows:

May sell franchise
to Cambridge
Railroad Co.

SECTION 1. The Waltham and Watertown Railroad Company are hereby authorized to sell their railroad, its franchise and all its property, to the Cambridge Railroad Company, or any other company with which it may connect; and they may enter upon and use the tracks of said Cambridge Railroad, and of any other road with which they may so connect; and in case said parties cannot agree upon the terms upon which they shall enter upon and use such connecting road, the same shall be decided by three commissioners, to be appointed by the supreme judicial court.

Terms, how
decided.

SECTION 2. If the said Waltham and Watertown Railroad Company shall sell their railroad property and franchise to the Cambridge Railroad Company, said corporations shall therefrom become one corporation, under the name of the Cambridge Railroad Company; and all the powers and privileges now enjoyed by, and all the restrictions, liabilities and obligations, imposed upon said two corporations, by virtue of their respective charters, shall appertain to said united corporation, in the same manner as if the same had been contained in, or acquired under the original charter of the Cambridge Railroad Company.

Consolidation with Cambridge Railroad Company in case of sale.

Powers and duties.

SECTION 3. The said Waltham and Watertown Railroad Company are hereby authorized, and shall have power to fix such rates of compensation for transporting persons and property as they may think expedient: *provided, however,* that fares in the several towns of Waltham and Watertown, shall not exceed five cents for each passenger.

Rates of sale and transportation.

Proviso.

SECTION 4. This act shall take effect upon its passage.

Approved March 21, 1861.

[1817, 168.]

AN ACT in relation to the Worcester Agricultural Society.

Chap. 82.

Be it enacted, &c., as follows:

SECTION 1. The Worcester Agricultural Society shall hereafter commence its annual exhibitions on the last Thursday but one in September.

Annual exhibition.

SECTION 2. This act shall take effect upon its passage.

Approved March 21, 1861.

AN ACT to establish the Boundary Line between Hingham and Abington. *Chap. 83.*

Be it enacted, &c., as follows:

The boundary line between the towns of Hingham and Abington shall be established as follows, to wit: beginning at a stone monument marked "A. H.," standing on the westerly side of, and near Accord Pond, being a known and anciently reputed bound between said towns, and in the Patent or Old Colony Line; thence with said Patent Line, south seventy-three degrees and eighteen minutes west, about five hundred and fifty-four rods, to a stone monument at the south-east corner of Weymouth, marked "W. A."

Boundary defined.

Approved March 21, 1861.

AN ACT to establish the Boundary Line between Abington and Randolph. *Chap. 86.*

Be it enacted, &c., as follows:

The boundary line between the towns of Abington and Randolph, shall be established as follows, to wit: beginning at a stone monument marked "A. W." standing at the

Boundary defined.

south-west corner of Weymouth, and in the Patent or Old Colony Line; thence with said line, south, seventy-three degrees eighteen minutes west, about three hundred and eighty-nine rods, to a stake, standing two hundred and eighty-six feet north, one and one-half degrees east, from a stone monument marked "A. N. B," standing as the reputed north-east corner of North Bridgewater.

Approved March 21, 1861.

[1830, 56.]

Chap. 88. AN ACT concerning the Boston Society of Natural History.
Be it enacted, &c., as follows :

May hold real
estate for certain
purposes.

SECTION 1. The Boston Society of Natural History shall have power to hold real and personal estate, the clear annual income whereof shall not exceed the sum of ten thousand dollars, nor be applied to any other purposes than the encouragement and promotion of the science of natural history.

SECTION 2. This act shall take effect upon its passage.

Approved March 21, 1861.

[1863, 226; 1865, 203.]

Chap. 89. AN ACT to incorporate the Winthrop Railroad Company.
Be it enacted, &c., as follows :

Corporators.

Name.

Location.

SECTION 1. Charles L. Bartlett, John Belcher, Richard Shackford, George Odiorne, and Josiah W. Hubbard, their associates and successors, are hereby made a corporation under the name of the Winthrop Railroad Company, with power to construct, maintain and use, a railway or railways with convenient single or double tracks, commencing in that part of the city of Boston called East Boston, at such point or points of intersection with the Suffolk Railroad, as shall be fixed and determined by the board of aldermen of said city, and assented to in writing by this corporation; thence upon and over such streets or highways in said East Boston and Breed's Island, so called, as may be fixed and determined by said board of aldermen, and assented to in writing by this corporation, to the dividing line between said city and Winthrop; thence from said dividing line upon and over such streets or highways in said Winthrop, to such point or points therein as the selectmen of said town may fix and determine, and as may be assented to in writing by this corporation.

Motive-power.

SECTION 2. Said railroad shall be operated by this company with horse-power only.

SECTION 3. Said corporation shall have a right to connect their railroad with the Suffolk or any other horse railroad in said East Boston, at such point or points of intersection as shall be designated by the board of aldermen of said city, and assented to in writing by this corporation; but shall have no right to run their cars over said railroads or use them in any manner, without the assent of such corporations, and only on such terms as may be mutually agreed upon. The Suffolk Railroad Company, and all other railroad companies with which this company may connect, shall furnish the motive-power to draw the cars and passengers of said Winthrop Railroad Company over such portions of their respective roads as shall be designated by the board of aldermen of said city; and the terms upon which, and the periods of time at which, such cars and passengers shall be drawn over said Suffolk Railroad, and other railroads, shall be determined in case of disagreement between said companies, in the manner provided in the one hundred and seventeenth section of the sixty-third chapter of the General Statutes regulating the use of connecting railroads: *provided, however*, that said Suffolk Railroad Company shall have the prior right to extend their railroad over so much of the aforesaid route as lies within said East Boston, or any part thereof, if they shall construct such extension within sixty days after said Winthrop Railroad Company shall have given notice to said Suffolk Railroad Company of their desire to connect with said Suffolk Railroad, and shall have completed a reasonable portion of their said road within the town of Winthrop. And if said Suffolk Railroad Company shall fail to construct such extension within the time herein specified, the right to construct the same, or such part thereof as said Suffolk Railroad Company shall fail to construct, as aforesaid, shall vest in said Winthrop Railroad Company.

May connect with other roads with consent of aldermen.

Motive-power over other roads.

Conditions, how determined.

Proviso.

Construction, conditions of.

SECTION 4. Before proceeding to locate the track or tracks in any of the streets or highways in said East Boston, or the town of Winthrop, the board of aldermen of said city, and the selectmen of said town, shall give notice thereof to the abutters on said streets or highways by publication in such newspapers as they shall determine, at least fourteen days before such meeting, of the time and place at which they will fix and determine the location and the manner of constructing said track; and such abutters may then and there appear and show cause, if any there be, why said track or tracks should not be so located and constructed.

Notice to abutters.

Gauge, grade,
&c., how deter-
mined.

Alteration.

Speed.

Removal of
tracks.

Repair of streets.

Liability for
losses.

May transfer
franchise, &c.

May purchase
rights.

Consolidation of
stocks.

Capital stock and
shares.

Real estate.

Municipal rights.

Penalty for ob-
structing corpo-
ration.

SECTION 5. Said railroad shall be constructed and main-
tained in such manner and form, and upon such gauge and
grade as the board of aldermen of said city and the select-
men of said town shall prescribe and determine; and when-
ever said corporation desire to alter the grade of any street
or highway occupied by it, such alteration shall be made at
the sole expense of said corporation.

SECTION 6. The board of aldermen of said city and the
selectmen of said town shall regulate the speed and mode
of use of said railroad, and may at any time order up the
tracks, or so much thereof as they shall think proper, at the
expense of said corporation.

SECTION 7. Said railroad shall keep in repair such por-
tions of the streets as shall be occupied by their track, and
shall be liable for all losses and injury sustained by any
person by reason of carelessness, negligence or misconduct
of its agents or servants.

SECTION 8. Said corporation is authorized and empow-
ered to sell, lease or transfer its franchise, and all its prop-
erty, rights and privileges, or any part thereof, to any other
like corporation, on such terms as may be mutually agreed
upon between the parties, and make and execute all papers
and instruments necessary for that purpose; and the corpo-
ration receiving the same shall have all the rights, and be
subject to all the requirements, restrictions and liabilities,
herein contained; said corporation may, in the same man-
ner, purchase and hold the rights and property of any other
similar corporation. When a sale or purchase is made, the
capital stock shall become a part of the capital stock of the
purchasing corporation.

SECTION 9. The capital stock of said corporation shall
not exceed the sum of one hundred thousand dollars, to be
divided into shares of fifty dollars each.

SECTION 10. Said corporation shall have power to pur-
chase and hold such real estate in the city of Boston and the
town of Winthrop as may be necessary and convenient for
the purpose of managing said road.

SECTION 11. Nothing in this act shall be construed to
prevent said city or town from taking up any of the streets
traversed by said railroad, for any purpose for which they
may now lawfully take up the same.

SECTION 12. If any person shall wilfully or maliciously
disturb said corporation, or its agents, in the use of said
road or its tracks, or the passing of the cars thereon, such
persons, and all aiding or abetting therein, shall be punished
by a fine not exceeding five hundred dollars, or may be

imprisoned in the county jail for a period not exceeding three months. If said corporation, or its agents or servants shall wilfully or maliciously obstruct any highway or the passing of any person over the same, said corporation shall be punished by a fine not exceeding five hundred dollars.

For obstruction
by corporation.

SECTION 13. The aforesaid city and town may at any time after the expiration of ten years from the opening of said road for use, purchase of said corporation all the franchise, rights and property of said corporation, by paying them therefor, a sum equal to the whole amount invested, with a net profit of ten per cent. per annum.

City and town
may purchase
franchise.

SECTION 14. Said corporation shall be deemed to be a railroad corporation so far as to be subject to such annual returns to the legislature as are or may be prescribed by law, and all such general provisions of law as are or may be prescribed respecting horse railroads.

Annual returns.

SECTION 15. This act of incorporation shall be void, unless accepted by the board of aldermen of said city, and the selectmen of said town; and unless such road is located by them within two years from the passage of this act; and if the selectmen of said town refuse to accept said charter, or locate said road, the same may be accepted and located by the legal voters of said town.

Act void unless
accepted.

Road to be locat-
ed within two
years.

SECTION 16. Said corporation shall have power to fix from time to time, such rates of compensation for transporting persons and property as they may think expedient; but the rate of passenger fare shall not exceed five cents per mile to each passenger; and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes, passed on the twenty-eighth day of December, in the year eighteen hundred and fifty-nine.

Rates of fare and
freight.

Powers and du-
ties.

SECTION 17. This act shall take effect upon its passage.

Approved March 22, 1861.

[1863, 68; 1865, 202.]

AN ACT to incorporate the Belmont Horse Railroad Company.

Chap. 90.

Be it enacted, &c., as follows:

SECTION 1. Frederic Tudor, Winthrop W. Chenery, J. Varnum Fletcher, Samuel O. Mead, John L. Alexander, Edward B. Grant, their associates and successors, are hereby made a corporation, by the name of the Belmont Horse Railroad Company; with power to construct, maintain and use a railway with convenient single or double tracks, from such point or points on Common Street, in the town of Belmont, as shall be from time to time fixed by the selectmen

Corporators.

Name.

Location.

of said town, with the assent, in writing, of said corporation, filed with said selectmen; thence upon and over Common Street, to the private way connecting Common Street with Concord Turnpike; thence over said private way, or over the land adjoining the same on the south, or over both, according as the selectmen of Belmont shall determine, to Concord Turnpike; and *provided*, that in no case, whatever may be the decision of said selectmen, shall either of the rails of said company be laid within twenty feet of the depot of the Fitchburg Railroad Company, at Belmont station; thence upon and over Concord Turnpike, to Waterhouse Street, in the city of Cambridge; thence over Waterhouse Street to the tracks of the Cambridge Railroad on North Avenue. All tracks of said railroad shall be laid at such distances from the sidewalks in said town and city as the selectmen of said town, and the mayor and aldermen of said city shall, respectively, within the limits of their several jurisdictions, in their votes fixing the location of said railroad, determine to be for the public safety and convenience.

Proviso. Before the location or construction of any track in any street or highway, as aforesaid, the selectmen of said town, and the mayor and aldermen of said city, shall give notice to the abutters thereon fourteen days at least before the location of any such track, by publication in such newspapers, respectively, as said selectmen and said mayor and aldermen shall determine. Said corporation shall have power to fix, from time to time, such rates of compensation for transporting persons and property, as they may think expedient, and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes.

Tracks, how laid. SECTION 2. The corporation hereby created, in crossing all the branches and lateral tracks of the Fitchburg Railroad Company, leading from the main line to Fresh Pond and Watertown, shall cross in such a manner as not to injure any of the said tracks or branches, or the rails thereof, and shall insert no frogs therein, and make no incision into the rails thereof, but shall cross the same as the Watertown branch of the Fitchburg Railroad Company is now crossed, in Watertown, by the Waltham and Watertown Railroad Company.

Notice to abutters. SECTION 3. The said corporation may enter upon and use the tracks of the Cambridge Railroad Company, in such mode and upon such rates of compensation as may be agreed upon; or, in case of disagreement with said company, such mode and rates shall be fixed by three commissioners, to be

Rates of fare and freight.

Crossing Fitchburg Railroad, conditions.

May connect with Cambridge Railroad.

appointed by the supreme judicial court. The said corporation may lease their railroad to said Cambridge Railroad Company, or to any other party, or hire the said Cambridge Railroad, or any part thereof, upon such terms and conditions as may be mutually agreed upon.

May lease to Cambridge Railroad Company.

SECTION 4. Said Belmont Railroad Corporation shall not be allowed to use their motive-power upon the tracks of the Cambridge Railroad Company without the consent of said corporation; but said Cambridge Railroad Corporation shall, at reasonable times, and for a reasonable compensation, draw over the said tracks the passengers and cars of said Belmont Railroad Company; and if said corporations cannot agree upon the stated periods at which the cars shall be so drawn and the compensation to be paid, the supreme judicial court shall, upon the application of either party, appoint three commissioners, who, after due notice to, and hearing the parties interested, shall determine such rate of compensation, and fix such periods having reference to the convenience and interest of the corporations and the public to be accommodated thereby; and the award of the commissioners, or a major part of them, shall be binding upon the respective corporations interested therein, until the same shall have been revised, or altered by commissioners so appointed; but no such revision or alteration shall be made within one year after the award.

Motive-power on Cambridge road.

Rates of fare and passage of cars, how determined in case of disagreement.

SECTION 5. Said tracks or roads shall be operated and used by said corporation with horse-power only. The selectmen of said town of Belmont and the mayor and aldermen of the city of Cambridge shall have power at all times to make all such regulations, as to the rate of speed and mode of use of the tracks, as the public convenience and safety may require.

Motive-power and rate of speed.

SECTION 6. Said corporation shall keep and maintain in repair such portion of the streets and highways, respectively, as shall be occupied by their tracks, and shall be liable for any loss or injury that any person may sustain, by reason of any carelessness, neglect or misconduct of any of its agents and servants, in the management, construction or use of said roads, tracks or highways; and in case any recovery shall be had against either said town of Belmont or said city of Cambridge, by reason of such defect or want of repair, said corporation shall be liable to pay to said town of Belmont or said city of Cambridge, respectively, or either of them, any sums thus recovered against them, together with all costs and reasonable expenditures incurred by them respectively, in the defence of any such suit or suits, in which

Repairs of highways.

Damages.

Liability.

Restriction.	recovery may be had; and said corporation shall not use any portion of the streets or highways not occupied by said road or tracks.
Penalty for obstruction.	SECTION 7. If any person shall wilfully and maliciously obstruct said corporation in the use of said road or tracks, or the passing of the cars or carriages of said corporation thereon, such person, and all who shall be aiding or abetting therein, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the common jail for a period not exceeding three months.
Penalty for obstruction by corporation.	SECTION 8. If said corporation, or its agents or servants, shall wilfully and maliciously obstruct any highways, or the passing of any carriages over the same, such corporation shall be punished by a fine not exceeding five hundred dollars.
Capital stock and shares.	SECTION 9. The capital stock of said corporation shall not exceed fifty thousand dollars, to be divided into shares of one hundred dollars each.
Real estate.	SECTION 10. Said corporation shall have power to purchase and hold such real estate, within said town of Belmont or said city of Cambridge, as may be convenient or necessary for the purposes and management of said road.
Construction and maintenance of road under control of selectmen.	SECTION 11. The said road shall be constructed and maintained in such form and manner, and upon such grade, as the selectmen of said town of Belmont, and the mayor and aldermen of said Cambridge, respectively, may, in their votes fixing and determining the routes thereof, as aforesaid, prescribe and direct; and whenever, in the judgment of said corporation, it shall be necessary to alter the grade of any street so occupied by it, such alteration may be made at the sole expense of said corporation: <i>provided</i> , the same shall be assented to by the selectmen of Belmont, or the mayor and aldermen of the city of Cambridge, respectively.
Proviso.	SECTION 12. Nothing in this act shall be construed to prevent the selectmen of said town, or the mayor and aldermen of said city, respectively, from entering upon and taking up any of the public streets or highways traversed by said railroad, for any purpose for which they may now lawfully take up the same.
Control of highways.	SECTION 13. At any time after the expiration of one year from the opening for use of the tracks of said railroad, in any street or road in which the same shall be located, as provided by its charter, the selectmen of Belmont, and the mayor and aldermen of the city of Cambridge, respectively, may determine as to so much of said tracks as is located within their respective limits, that the same, or any part
Discontinuance of road by city or town.	

thereof, be discontinued; and thereupon the location shall be deemed to be revoked, and the tracks of said railroad shall forthwith be taken up and removed, in conformity with the order of said selectmen of Belmont or mayor and aldermen of the city of Cambridge, respectively; and such taking up and removal shall be at the expense of said railroad corporation.

SECTION 14. The town of Belmont and the city of Cambridge, or either of them, may, at any time during the continuance of the charter of said corporation, and after the expiration of ten years from the opening of any part of said road for use, purchase of said corporation all the franchise, property, rights and furniture of said corporation, by paying therefor such a sum as will reimburse to each person who shall then be a stockholder therein, the par value of his stock, together with a net profit of ten per cent. per annum, from the time of the transfer of said stock to him on the books of the corporation, deducting the dividends received by said stockholder thereon; said town and said city having the right to purchase only that part of the corporate property which relates to and lies within the limits of their own jurisdictions, respectively, and paying therefor a proportionate sum, on the basis above mentioned, to be ascertained and fixed by commissioners, to be appointed by the supreme judicial court.

Belmont and Cambridge may purchase road, after ten years.

SECTION 15. This act shall be void, so far as relates to the right to construct said road, in either said Belmont or said city of Cambridge, unless the same shall be accepted by the selectmen of said Belmont and the mayor and aldermen of said city of Cambridge, respectively; and unless the same shall be accepted by said corporation, and also unless said road shall be constructed within two years from the passage of this act.

Acceptance of act and construction of road.

SECTION 16. Said corporation shall be subject to all general provisions of law, that are or may be prescribed, relative to horse or street railroads; and shall be deemed a railroad corporation, so far as to be subject to make such annual returns to the legislature, as are or may be prescribed by law; and also so far as to be subject to all existing provisions of law for the assessment and payment of damages for the land outside of the streets and highways, taken by them for their tracks.

Annual returns.

Land damages.

SECTION 17. This act shall take effect upon its passage.

Approved March 25, 1861.

Chap. 92. AN ACT to incorporate the Mercantile Savings Institution in the City of Boston.

Be it enacted, &c., as follows :

Corporators.	SECTION 1. Richard Holmes, Daniel Farrar, and John A. Nowell, their associates and successors, are hereby incorporated under the name of the Mercantile Savings Institution, to be located in the city of Boston, with all the powers and privileges, and subject to all the provisions of the fifty-seventh chapter of the General Statutes, so far as the same are applicable to the objects of said institution, and to all laws in addition thereto. Said institution shall not be a bank of issue or discount, and shall not receive deposits in any other manner than is provided in said chapter in relation to savings banks.
Name.	
Powers and duties.	
Capital stock and shares.	SECTION 2. Said institution may have a capital stock of three hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in, in silver or gold coin, or in the bills of solvent banks of this Commonwealth, except as is hereinafter provided ; but said corporation shall not be organized under this charter, until one hundred and fifty thousand dollars of said capital shall have been paid in.
Proviso.	
Transfer of property authorized.	SECTION 3. In the organization of this institution, it shall be lawful for the securities and property held by Avery P. Ellis, Charles L. Shaw, and Frederick H. Henshaw, as trustees of the Mercantile Banking and Savings Association, so called, to be transferred to the said corporation ; and there shall be appointed by the governor, with the advice of the council, three disinterested, discreet persons, who shall proceed, at the expense of said corporation, to examine said securities, and the books and accounts of said trustees, and carefully to determine the value of the same, and make a report of their doings to the governor, certifying the cash value of said securities and property so transferred, and the amount of capital stock which may be safely issued therefor, and the persons to whom the same ought to be issued ; and the same being by the governor approved, said corporation may be allowed to issue certificates of stock in accordance therewith. After such issue of stock, no stock shall be issued except as is provided in the second section of this act.
Commissioners to be appointed to examine securities, &c., and report to governor.	
Issue of stock.	
Investments.	SECTION 4. The capital of said institution, and the deposits therein, shall be invested as is provided for the investment of the deposits of savings banks.
Loans.	SECTION 5. Whenever said institution shall have funds to loan, applications therefor in sums as small as one hundred dollars, with satisfactory security, shall not be refused.

SECTION 6. Applications for loans with satisfactory security, shall be granted in the order in which they are severally made, except that applications for loans of one thousand dollars or less, shall have precedence of applications for larger sums. Applications for loans.

SECTION 7. Books shall be kept in which all applications for loans shall be entered with the securities offered, which shall be open at all times to the inspection of applicants, and of the stockholders and the bank commissioners. Books for applications.

SECTION 8. Two per cent. per annum, on the sum in each case loaned, may be reserved upon all loans of two thousand dollars, or less than that sum for the benefit of the institution; but the borrowers of any such sums shall be entitled, at any time before the expiration of the term for which the loan may have been granted, to repay the sum so borrowed, and to receive the proportional part of the premium so retained. Two per cent. of certain loans may be reserved.

SECTION 9. All sums of money of five dollars or more, deposited in said institution, shall draw interest, except for fractional parts of a month, while they remain on deposit, at a rate of not less than five per cent. per annum. Interest on sums exceeding five dollars, five per cent.

SECTION 10. Dividends upon the deposits shall be declared every six months; and any excess of income or profit accruing to the institution, after affording to the stockholders an average annual dividend of ten per cent., shall once in every five years, in just proportion, be divided among the depositors who shall have been such for the six months immediately preceding the time when such dividend shall be declared. Dividends.

SECTION 11. Nothing herein contained shall be held or deemed to authorize any bank in this Commonwealth to take a greater rate of interest than six per cent. per annum. Construction of act.

SECTION 12. The capital stock of said institution shall be transferable only at the office and in the books thereof. Transfer of stock.

SECTION 13. This institution shall pay to the Commonwealth a semi-annual tax of one-half of one per cent. upon its capital stock, according to the provisions of sections eighty-nine and ninety of the fifty-seventh chapter of the General Statutes. Tax.

Approved March 25, 1861.

[1866, 287; 1867, 160.]

AN ACT to incorporate the American Society of Hibernians.

Chap. 97.

Be it enacted, &c., as follows:

SECTION 1. Andrew Mahony, Edward Riley, James McGee, Daniel McKenna, their associates and successors, are hereby made a corporation by the name of the American Corporators. Name.

Purposes. Society of Hibernians, for the purpose of rendering assistance to the sick and disabled members of their society, and also of providing for the decent burial of the dead; and for these purposes shall have all the powers, and be subject to all the duties and liabilities, set forth in the sixty-eighth chapter of the General Statutes.

Powers and duties. **Real and personal estate.** SECTION 2. Said corporation may take and hold, for the purposes aforesaid, real or personal estate, or both, to an amount not exceeding twenty thousand dollars.

Approved March 27, 1861.

[1859, 63.]

Chap. 98. AN ACT authorizing the Town of Milford to subscribe to the Capital Stock of the Milford and Woonsocket Railroad Company.

Be it enacted, &c., as follows:

Authority to take stock. SECTION 1. The town of Milford, in the county of Worcester, is hereby authorized to subscribe for and hold shares in the capital stock of the Milford and Woonsocket Railroad Company, to an amount not exceeding fifty thousand dollars:

Purpose. *provided*, that two-thirds of the legal voters of said town, present and voting thereon, at a legal town meeting duly called for that purpose, shall vote to subscribe for such shares in accordance with the terms of this act, and to pay for the same out of the town treasury, and to hold the same as town property, subject to the disposition of the town for public purposes, in like manner as other property which it may possess.

May raise money by loan, &c. SECTION 2. Said town is hereby authorized to raise, by loan or tax, any sums of money which shall be required to pay its instalments on its subscription to said stock and interest thereon.

SECTION 3. This act shall take effect upon its passage.

Approved March 27, 1861.

[1862, 10.]

Chap. 99. AN ACT changing the Time of holding the Law Terms of the Supreme Judicial Court for the Counties of Berkshire, Hampshire and Franklin.

Be it enacted, &c., as follows:

Lenox. SECTION 1. The law terms of the supreme judicial court now by law appointed to be held at Lenox, within and for the county of Berkshire, on the first Tuesday of September in each year, shall hereafter be held on the second Tuesday of September.

Greenfield and Northampton. SECTION 2. The law terms of said court now appointed by law to be held at Greenfield, within and for the county of Franklin, on the first Monday next after the first Tuesday of September, and at Northampton, within and for the county

of Hampshire, on the second Monday next after the first Tuesday of September, are hereby abolished, and instead thereof there shall be held a term of said court for hearing and entering questions of law arising in said counties of Franklin and Hampshire, alternately at Greenfield and Northampton, on the Monday next after the second Tuesday of September in each year, the first term of said court after the passage of this act to be held at said Greenfield.

SECTION 3. The said court at the terms thereof by this act established, shall have cognizance and jurisdiction of all causes now pending in the law terms of said court for said counties respectively, and shall have the same jurisdiction of all libels for divorce and other matters as the law terms of said court now have, when held for said counties separately. Jurisdiction.

SECTION 4. All acts inconsistent with the provisions of this act are hereby repealed. Repeal.
Approved March 28, 1861.

AN ACT to incorporate the Nonantum Fire Insurance Company.

Chap. 101

Be it enacted, &c., as follows :

SECTION 1. E. C. Sparhawk, Edward Sparhawk, John Gordon, J. N. Bacon, Curtis Davis, P. H. Sweetser, their associates and successors, are hereby made a corporation by the name of the Nonantum Fire Insurance Company, to be established in the town of Brighton, for the purpose of making insurance against losses by fire ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the general laws in relation to stock insurance companies, or which may hereafter be enacted in relation to the same. Corporators.
Name.
Location.
Powers and duties.

SECTION 2. The said corporation shall have a capital stock of fifty thousand dollars, divided into shares of one hundred dollars each, with liberty to pay in and increase the same to an amount not exceeding one hundred and fifty thousand dollars, and shall have a right to hold real estate for its own use to an amount not exceeding fifteen thousand dollars. Capital stock and shares.
Increase of capital.
Real estate.
Approved March 28, 1861.

[1858, 147.]

AN ACT in addition to an Act to authorize Edmund T. Dana and others to construct Dams and Dikes in Cambridge. Chap. 102

Be it enacted, &c., as follows :

The time within which Edmund T. Dana and others were authorized by chapter one hundred and forty-seven of the acts of the year one thousand eight hundred and fifty-eight, to construct dams and dikes in Cambridge, is hereby extended to September, in the year one thousand eight hundred and sixty-two. Time for construction extended.
Approved March 28, 1861.

[1844, 56.]

Chap. 103 AN ACT to change the Time for holding the Annual Exhibition of the Hampden County Agricultural Society.*Be it enacted, &c., as follows :*

The Hampden County Agricultural Society shall hereafter commence its annual exhibition on the first Tuesday of October.

Approved March 28, 1861.

[1860, 217.]

Chap. 105 AN ACT for supplying the City of Charlestown with Pure Water.*Be it enacted, &c., as follows :*Supply from
Mystic Pond.

Proviso.

Dam may be
erected.

Restriction, &c.

Charlestown
to maintain
fishway.

SECTION 1. The city of Charlestown is hereby authorized to take, hold and convey by steam or other power, to, into and through the said city, by suitable aqueducts or pipes, the waters of Mystic Pond, so called, in the towns of Medford, West Cambridge and Winchester, and the waters which may flow into and from the same, and may also take and hold, by purchase or otherwise, any land, real estate or water-rights necessary for erecting, laying and maintaining, and may erect, lay and maintain, such aqueducts, pipes, dams, gates, pumps, bridges, reservoirs, embankments, water-ways, drains or other structures as may be necessary or convenient to insure the purity of the waters of said pond, or the ponds and streams running into it, or to convey said waters into, and for the use of, the said city of Charlestown: *provided, however,* that said city shall not divert or draw water from any part of said Mystic Pond lying southerly of the "narrows" or "partings," so called, in said pond. And said city of Charlestown shall have power to erect and maintain a dam between the upper and lower portions of said Mystic Pond at the said "narrows" or "partings," so as to exclude the waters of the lower part from those of the upper, and raise the waters of the upper pond as high as they may judge necessary for the purposes of this act, not to exceed, however, the level of "Bacon's dam," so called. And said city of Charlestown shall not erect any dam across Mystic River, or obstruct, or exclude the free flow of the tide into the lower Mystic Pond. Said city of Charlestown shall make and maintain a suitable fishway in the dam hereby authorized to be constructed by them at the "partings," or "narrows," so called, and upon request in writing made to the mayor of said city by any member of the fish committees of the towns of Medford or West Cambridge, on or after the first day of March in each year, the same shall be forthwith opened for the passage of fish, and left open until the first day of the next September, unless a majority of both

of said committees shall sooner consent to have the same closed.

SECTION 2. For the purposes of distribution, the city May lay pipes. may lay down pipes to any house or building in said city, the owner or owners thereof having notice and not objecting thereto, and may make and establish public hydrants in Hydrants. such places as may, from time to time, be deemed proper, and prescribe the purposes for which they may be used, and may change or discontinue the same; may regulate the use of the water within and without the said city, and establish Water rents. the prices or rents to be paid for the use thereof. And the Powers of city. said city may, for the purposes aforesaid, carry and conduct any aqueducts or other works by them to be made and constructed, over or under any water-course, or any street, turnpike-road, highway or other way, in such manner as not to obstruct or impede travel thereon, or the free flow of the water therein. In carrying the pipes or conduits of said Aqueducts. aqueduct across Mystic River, the same shall either be carried below the level of the bed of said river, or the bridge or other structure on which the same is carried over said river shall be elevated at least three feet in the clear above high-water level at the point where the same may cross said river; and may enter upon and dig up any such road, street or way, for the purpose of laying down said aqueducts or other works, and for maintaining and repairing the same.

SECTION 3. Three commissioners shall be appointed by Superintending commissioners. the city council, who shall, during their continuance in office, execute and perform, superintend and direct, the execution and performance of all the works, matters and things mentioned in the preceding sections, which are not otherwise specially provided for in this act; they shall be subject to such ordinances, rules and regulations, in the execution of their said trust, as the city council may, from time to time, ordain and establish, not inconsistent with the provisions of this act and the laws of this Commonwealth; they shall Tenure of office. respectively hold their said office for the term of two years next after their said appointment, unless the aqueducts and works aforesaid shall be sooner completed; but they, or either of them, after having had an opportunity to be heard in his or their defence, may be removed at any time by a concurrent vote of two-thirds of each branch of the city council; and, in case of a vacancy in the board of commissioners, by death, resignation or removal, such vacancy shall be filled by the appointment of another commissioner, in manner aforesaid, who shall hold his said office for the residue of the said term of two years, with all the powers and

subject to all the restrictions aforesaid. A major part of said commissioners shall be a quorum for the exercise of the powers, and the performance of the duties of the said office ; they shall, once in every three months, and whenever required by the city council, make and present, in writing, a particular report and statement of all their acts and proceedings, and of the condition and progress of the works aforesaid.

Reports of commissioners.

Compensation.

SECTION 4. Before the appointment of the commissioners aforesaid, the city council shall establish and fix the salaries, or compensation, to be paid to the commissioners for their services ; and the said salaries of the said commissioners, so established and fixed as aforesaid, shall not be reduced during their continuance, respectively, in said office.

Powers and duties vested in city council.

SECTION 5. Whenever the said office of commissioners shall cease, either by the expiration of the said term of two years from the original appointment, or by the completion of the aqueducts and works mentioned in the preceding sections of this act, all the rights, powers and authority given to the city of Charlestown by this act, shall be exercised by the said city, subject to all the duties, liabilities and restrictions herein contained, in such manner and by such agents as the city council shall, from time to time, ordain, appoint and direct.

Damages.

SECTION 6. The said city of Charlestown shall be liable to pay all damages that shall be sustained by any persons in their property by the taking of any land, water or water-rights, or by the constructing of any aqueducts, reservoirs, or other works, for the purposes of this act. And if the owner of any land, water or water-rights, which shall be taken as aforesaid, or other person who shall sustain damage as aforesaid, shall not agree upon the damages to be paid therefor, he may apply, by petition, for the assessment of his damages, at any time within three years from the taking of the said land, water or water-rights, or sustaining damage as aforesaid, and not afterwards, to the superior court in the county in which the same are situate, unless sooner barred, as provided in the seventh section of this act. Such petition may be filed in the clerk's office of said court, in vacation or in term time, and the clerk shall thereupon issue a summons to the city of Charlestown, returnable, if issued in vacation, to the then next term of the said court, and if in term time, returnable on such day as the said court shall order, to appear and answer to the said petition ; the said summons shall be served fourteen days at least before the return day thereof, by leaving a copy thereof, and of the said petition, certified by the officer who shall serve the

same, with the mayor or clerk of said city; and the said court may, upon default or hearing of the said city, appoint three disinterested freeholders of this Commonwealth, who shall, after reasonable notice to the parties, assess the damages, if any, which such petitioner may have sustained as aforesaid; and the award of the said freeholders, or of the major part of them, being returned into and accepted by the said court, shall be final, and judgment shall be rendered and execution issued thereon for the prevailing party, with costs, unless one of the said parties shall claim a trial by jury, as hereinafter provided.

SECTION 7. Whenever any damages shall have been sustained by any persons as set forth in the sixth section of this act, and such persons shall neglect to institute proceedings against the city of Charlestown, according to the provisions of this act, for the space of twelve months, it shall be lawful for the city of Charlestown to commence such proceedings, which shall go on and be determined in the same manner as if commenced by the persons who shall have sustained such damage; and if such persons, on receiving due notice, shall not come in and prosecute the proceedings so instituted, judgment shall be entered against them, and they shall be forever barred from recovering any damages under this act.

City to prosecute
in certain cases.

SECTION 8. If either of the parties mentioned in the sixth section shall be dissatisfied with the amount of damages awarded as therein expressed, such party may, at the term at which such award was accepted, or the next term thereafter, claim, in writing, a trial in said court, and have a jury to hear and determine, at the bar of said court, all questions of fact relating to such damages, and to assess the amount thereof; and the verdict of such jury, being accepted and recorded by the said court, shall be final and conclusive, and judgment shall be rendered and execution issued thereon, and costs shall be recovered by the said parties, respectively, in the same manner as is provided by law, in regard to proceedings relating to the laying out of highways.

Appeal to a jury.

Verdict to be
final.

SECTION 9. No application shall be made to the court for the assessment of damages for the taking of any water-rights, until the water shall be actually withdrawn or diverted by the said city, under the authority of this act.

Appropriation
for assessment
of damages.

SECTION 10. In every case of a petition to the superior court for the assessment of damages, as provided in the sixth, seventh, eighth and ninth sections of this act, the city of Charlestown, by any of its officers, may tender to the complainant, or his attorney, any sum that they shall think

Recovery of dam-
ages and costs.

proper, or may bring the same into court, to be paid to the complainant for the damages by him incurred or claimed in his petition; and if the complainant shall not accept the same, with his costs up to that time, but shall proceed in the suit, he shall be entitled to his costs up to the time of the tender, or such payment into court, and not afterwards; and the said city shall be entitled to recover its costs afterwards, unless the complainant shall recover greater damages than were so offered.

"Water bonds."

SECTION 11. For the purpose of defraying all the costs and expenses of such lands, estates, waters and water-rights as shall be taken, purchased or held for the purposes mentioned in this act, and of constructing all aqueducts and works necessary and proper for the accomplishment of the said purposes, and all expenses incident thereto, heretofore incurred or that may be hereafter incurred, the city council shall have authority to issue, from time to time, scrip, notes, or certificates of debt, to be denominated on the face thereof, "Water Bonds of the City of Charlestown," to an amount not exceeding five hundred thousand dollars, bearing interest at a rate not exceeding the legal rate of interest in this Commonwealth, which shall be redeemable at a period of time not less than ten, nor more than fifty years from and after the issue of the said scrip, notes or certificates, respectively; and the said city council may sell the same, or any part thereof, from time to time, at public or private sale, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as the said city council shall judge proper; and the said city council may, for the purpose of meeting payments of such interest as may accrue upon any certificate of debt, make such further issue of scrip, notes or certificates of debt as may be necessary therefor.

Water regulations.

proviso.

SECTION 12. The city council may, from time to time, pass such by-laws and ordinances as they may deem proper for the preservation and protection of all or any of the works connected with the supplying of the city of Charlestown with pure and wholesome water, under and by virtue of this act: *provided*, such by-laws and ordinances are not inconsistent with any laws of this Commonwealth, or with the constitution thereof, subject at any time to be repealed or modified by the legislature, and may also organize a department, with full powers for the management of such works, and the distribution of the said water.

Water rents.

SECTION 13. The city council shall, from time to time, regulate the price or rent for the use of the water, with a

view to the payment, from the net income and receipts, not only of the semi-annual interest, but ultimately of the principal of said debt so contracted, so far as the same may be practicable and reasonable. And the occupant of any tenement shall be liable for the payment of the price or rent for the use of the water in such tenement; and the owner thereof shall be also liable, if, on being notified of such use, he does not object thereto; and if any person or persons shall use any of the said water, either within or without the said city, without the consent of the city, an action of tort may be maintained against him or them for the recovery of damages therefor: *provided, however*, that this act shall not be so construed as to prevent the inhabitants of Medford, West Cambridge and Winchester, from using so much of the water hereby granted as shall be necessary for extinguishing fires, and for all ordinary household purposes, under such regulations of the said city council as may be essential for the preservation of the purity of the said water.

Liabilities of occupants and owners.

Proviso.

SECTION 14. If any person or persons shall wilfully or maliciously divert the water, or any part thereof, of any of the ponds, streams or water-sources, which shall be taken by the city pursuant to the provisions of this act, or shall corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery, or other property, held, owned or used by the said city, by the authority and for the purposes of this act, such person or persons shall forfeit and pay to the said city three times the amount of the damages that shall be assessed therefor, to be recovered by any proper action. And such person or persons may, moreover, on indictment and conviction of either of the wilful and malicious acts aforesaid, be punished by fine not exceeding one thousand dollars, and imprisonment not exceeding one year.

Penalties for misdemeanors, and injuries to water works, &c.

SECTION 15. The said city of Charlestown is also authorized to supply with water for the extinguishment of fires or for other purposes, the cities of Chelsea and Boston, and the towns through which the line of aqueduct may pass, and for this purpose may erect and maintain such structures as may be requisite and necessary therefor: *provided*, that such supply to Boston shall not deprive the towns on the line of the aqueduct of a sufficient supply of water.

Extinguishment of fires.

Proviso.

SECTION 16. The said city of Charlestown shall erect and maintain proper hydrants at such points along the line of the aqueduct as the selectmen of the towns of Somerville and Medford shall direct: *provided, however*, the said city of Charlestown shall not be required to erect and maintain

Hydrants in Medford and Somerville.

Proviso.

such hydrants at points nearer together than five hundred feet; and said towns of Somerville and Medford may at all times draw water from said hydrants without charge therefor, for the extinguishment of fires, under such regulations as the city of Charlestown may, from time to time, establish under authority of this act; and the rates of water supplied to the inhabitants of said towns of Somerville and Medford for other purposes than the extinguishment of fires, as provided in section fifteen, shall not exceed the rates charged for like uses in said city of Charlestown, and the payment or rental for the use of such water shall be made and collected in the same manner as herein before provided for the water distributed in the said city of Charlestown. In case the pipes for distributing said water shall be laid without expense to said city of Charlestown, such charge or rental shall be made for the use of said water, as may be agreed upon by and between said towns respectively and said city of Charlestown.

Act to be accepted by legal voters.

SECTION 17. The provisions of this act shall be void unless submitted to and approved by the voters of the city of Charlestown, at meetings held simultaneously for that purpose in the several wards, within three years from the passage of this act, upon notice duly given, at least seven days before the time of holding said meetings.

SECTION 18. This act shall take effect from and after its passage.

Approved March 28, 1861.

[1863, 9; 1864, 176; 1865, 135, 144; 1866, 212; 1867, 60, 343; 1868, 202.]

[1833, 186.]

Chap. 106 AN ACT to increase the Capital Stock of the East Boston Wharf Company.

Be it enacted, &c., as follows:

\$500,000 additional capital stock.

Real estate.

Proviso.

Description of real estate.

SECTION 1. The East Boston Wharf Company is hereby authorized to increase its capital stock by adding thereto five hundred thousand dollars, and to invest the same in the purchase of real estate adjoining the land now owned by said corporation, a description of which real estate is hereafter set forth, to be used as may be necessary and convenient to carry on the business for which the said company was incorporated: *provided*, that no shares in the capital stock hereby authorized shall be issued for a less sum or amount than the par value of the shares in the original capital stock of said corporation.

SECTION 2. The real estate which said corporation is hereby authorized to purchase and hold is described as follows, to wit:—A lot or parcel of land bounded and described as fol-

lows, viz. : beginning at the south-east corner of the premises now owned by said corporation on Sumner Street and at the centre of Mill Street; thence running westerly through the centre of Mill Street and bounded on said corporation land four hundred feet; then turning and running southerly one hundred and thirty feet; then turning and running westerly about seven hundred and sixty feet to the commissioners' line; thence running northerly by said commissioners' line three hundred and twenty feet, more or less, to a point on the line of Carleton's estate, so called; then turning and running north-easterly eight hundred and seventy feet to Sumner Street; then turning and running south-easterly one hundred and ninety feet on Sumner Street to the point of beginning. Said premises being situated in that part of Boston called East Boston. *Approved March 28, 1861.*

Location.

[1862, 117, 1863, 134.]

[1850, 184; 1854, 16; 1859, 213.]

AN ACT in addition to an Act to establish the City of Lynn.

Chap. 107

Be it enacted, &c., as follows :

SECTION 1. The mayor and aldermen of the city of Lynn, with the concurrent vote of the common council, shall have exclusive authority and power to lay out, alter or discontinue any street or town way, to establish the grade thereof, and to estimate the damages any individual or party may sustain thereby; and the person or party dissatisfied with the decision of the city council, in the estimate of damages, may make complaint to the county commissioners of the county of Essex, at any meeting held within one year after such decision, whereupon, the same proceedings shall be had as are now by law provided in cases where persons or parties are aggrieved by the assessment of damages by the selectmen, in the forty-third chapter of the General Statutes.

Control of highways.

Damages.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1861.

[1864, 100; 1867, 95; 1868, 308, 345.]

• AN ACT to incorporate the Brighton Five Cents Savings Bank.

Chap. 108

Be it enacted, &c., as follows :

Charles Noyes, R. G. Green, H. H. Larnard, David Collins, J. F. Taylor, James Stetson, Samuel Bigelow, H. W. Jordon, W. W. Warren, James Dana, William Warren, George H. Brooks, John Ruggles, Theodore Matchett, their associates and successors, are hereby made a corporation by the name of the Brighton Five Cents Savings Bank, to be established and located in the town of Brighton; with all

Corporators.

Name.

Location.

Powers and
duties.

the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the fifty-seventh chapter of the General Statutes, and all other laws relating to savings banks.

Approved March 28, 1861.

Chap. 109

· AN ACT to incorporate the Cape Cod Central Railroad Company.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Chester Snow, Freeman Cobb, Joseph Cummings, E. W. Carpenter, Joseph K. Baker, junior, James S. Howes and Reuben Nickerson, junior, their associates and successors are hereby made a corporation, by the name of the Cape Cod Central Railroad Company; with all the powers and privileges, and subject, except as hereinafter set forth, to all the duties, liabilities and restrictions set forth in the sixty-third chapter of the General Statutes of this Commonwealth, relating to railroad corporations.

Name.

Powers and du-
ties.

Location.

SECTION 2. The said company may locate, construct and operate a railroad, commencing at a point on the Cape Cod Railroad, at or near the depot in Yarmouth in the county of Barnstable, and running thence through the towns of Yarmouth, Dennis, Harwich and Brewster, to a point near the Town Cove, so called, in the town of Orleans.

Capital stock and
shares.

SECTION 3. The capital stock of said company shall not exceed two hundred thousand dollars, to be divided into shares of one hundred dollars each; and no shares shall be issued for a less sum, to be actually paid in on each, than the par value of the shares first issued; and such company may purchase and hold such real and personal estate as may be necessary for the purposes of their incorporation.

Real and person-
al estate.

Time of location
and construction
limited.

SECTION 4. If the said company be not organized, and the location of their road filed with the county commissioners of the said county of Barnstable, within two years from the passage of this act, and if said road shall not be constructed within three years from said time, this act shall be void.

Crossing high-
ways, &c.

SECTION 5. The said company shall have the right and privilege of crossing highways and town ways at such grade and in such manner as the county commissioners may specify and direct.

May issue bonds.

SECTION 6. Said corporation is hereby authorized to issue bonds for the purpose of constructing or equipping their road, the amount thereof not to exceed the amount of capital stock paid in, of the same kind, in the same manner, upon the same terms, conditions and restrictions, and to be approved, certified, recorded and secured, in all respects, in conformity with the sixty-third chapter of the General Statutes.

SECTION 7. The said Cape Cod Central Railroad Company may unite their railroad with the Cape Cod Railroad, at the point of intersection therewith mentioned in the second section; and said Cape Cod Central Railroad Company may enter upon and use the tracks of the Cape Cod Railroad Company, upon the terms, and subject to the provisions of the statutes of this Commonwealth relating to railroads and railroad corporations. May unite with Cape Cod Railroad.

SECTION 8. The said Cape Cod Central Railroad Company are hereby authorized and empowered to transfer all their property, rights and franchise, under this charter, to the said Cape Cod Railroad Company, or their successors, whenever a mutual arrangement may be made to that effect; or said Cape Cod Central Railroad Company may lease their road and other property to the said Cape Cod Railroad Company, or to any other corporation or individuals, either for a limited time or perpetually, as may be agreed upon; and the said Cape Cod Railroad Company and the Old Colony and Fall River Railroad Company are hereby authorized to accept such lease whenever agreed upon by the parties. Transfer of property, &c. Lease of road.

SECTION 9. This act shall take effect upon its passage.

Approved March 28, 1861.

[1863, 95, 96, 104, 105, 110; 1864, 11, 156; 1865, 60, 200; 1868, 66, 133.]

[1851, 139; 1852, 220; 1853, 258; 1854, 336; 1859, 268; 1861, 33.]

AN ACT concerning the Stoneham Branch Railroad Company.

Chap. 111

Be it enacted, &c., as follows:

SECTION 1. The Stoneham Branch Railroad Company, incorporated under the two hundred and sixty-eighth chapter of the laws of the year eighteen hundred and fifty-nine, are hereby allowed to construct their railroad across highways and town ways, at such grade and in such manner as the county commissioners may specify and direct. Crossings to be built under direction of county commissioners.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1861.

[1862, 104.]

[1860, 55.]

AN ACT extending the Time for paying in the Capital Stock of the Phenix Insurance Company.

Chap. 117

Be it enacted, &c., as follows:

The time allowed by law for paying in the capital stock of the Phenix Insurance Company, in the town of Haverhill, is hereby extended one year. Time extended one year.

Approved March 30, 1861.

[1854, 338; 1856, 189.]

Chap. 118 AN ACT in addition to an Act for Supplying the City of Worcester with Water.*Be it enacted, &c., as follows :*

Right to use water from Leicester or Paxton.

SECTION 1. In addition to the powers heretofore conferred, the city of Worcester is authorized to take and convey into and through said city the waters of East or Lynde Brook in Leicester, or of any other stream or pond in Leicester or Paxton, and to take and hold any land, and build and maintain any structures necessary for said purpose, in the manner, and subject to the liabilities and restrictions set forth in the one hundred and eighty-ninth chapter of the acts of eighteen hundred and fifty-six.

If supply is insufficient, may get water from other sources.

SECTION 2. If at any time the supply of water from the source first fixed upon and selected shall be insufficient for the wants of said city, the said city may, by suitable works, conduct water from either of the other sources referred to in this act, or the act to which this is in addition, into the aqueduct first constructed, or into any reservoir therewith connected.

Purchase of necessary land or rights.

SECTION 3. Said city is further authorized to take and hold by purchase, any lands or rights, and interests therein, which may be necessary for the convenient accomplishment of the purposes of this act.

SECTION 4. This act shall take effect on its passage.

Approved March 30, 1861.

[1863, 72; 1864, 104; 1866, 199; 1867, 269.]

[1830, 19; 1832, 134; 1836, 182; 1846, 69.]

Chap. 119 AN ACT to increase the Capital Stock of the Taunton Copper Manufacturing Company.*Be it enacted, &c., as follows :*

\$300,000 additional capital stock.

The Taunton Copper Manufacturing Company is hereby authorized to increase its capital stock an amount not exceeding three hundred thousand dollars, and to invest the same in real or personal estate, as may be necessary and convenient for carrying on the business of said corporation : *provided, however,* that this act shall be void unless said corporation shall, at or before its next annual meeting, comply with the requirements of section two of chapter one hundred and twenty-eight, of the acts of the year eighteen hundred and sixty.

Proviso.

Approved April 1, 1861.

[1862, 193; 1866, 100.]

[1847, 16; 1849, 3, 217; 1851, 183; 1860, 25.]

AN ACT to confirm the reduction in the Stock of the Bay State Bank. *Chap. 123**Be it enacted, &c., as follows:*

The proceedings whereby the capital stock of the Bay State Bank in Lawrence was reduced to the sum of three hundred and seventy-five thousand dollars, by virtue of chapter twenty-five of the acts of the year eighteen hundred and sixty, are hereby confirmed. *Proceedings confirmed.*

Approved April 1, 1861.

AN ACT to incorporate the Claflin Mills.

*Chap. 124**Be it enacted, &c., as follows:*

SECTION 1. Asa F. Smith, Simon A. Knowles, Lucius M. Smith, their associates and successors, are hereby made a corporation by the name of the Claflin Mills, for the purpose of manufacturing cotton and other fibrous materials in the town of Grafton, in the county of Worcester, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes. *Corporators.*

SECTION 2. Said corporation may hold for the purposes aforesaid, real estate to the amount of sixty thousand dollars, and the whole capital stock of said corporation shall not exceed one hundred thousand dollars, in shares of one hundred dollars each; and no shares of said corporation shall be issued for a less sum and amount, to be actually paid in on each, than the par value of the shares which shall be first issued. *Real estate.*
Capital stock and shares.

SECTION 3. This act shall take effect upon its passage.

Approved April 1, 1861.

[1859, 71.]

AN ACT to increase the Capital Stock and change the Location of the American Flax Cotton Company. *Chap. 125**Be it enacted, &c., as follows:*

SECTION 1. The American Flax Cotton Company are hereby authorized to increase their capital stock to five hundred thousand dollars, and to change the location of the manufactory of said company, from the town of Watertown, in the county of Middlesex, to Boston, in the county of Suffolk. *\$250,000 additional capital stock.*

SECTION 2. In addition to the powers heretofore granted, said corporation shall have authority to manufacture from the fibres of flax, hemp, or other fibrous plants, a substance resembling wool or cotton, for use or sale; also to hold letters patent and patent rights for methods and processes of such manufacture, and for machinery connected there- *Manufacture of flax, hemp, &c.*
Patent rights.

Sale of rights,
licenses, &c.

with, or for improvements thereon, and to sell to others such rights, and to grant licenses to others to manufacture, and vend and use said patent rights, and processes, and improvements, in places within the limits of said Commonwealth.

Approved April 1, 1861.

[1809, 58.]

Chap. 126 AN ACT concerning the Trustees of the Ministerial Fund in Woburn, and the First Congregational Society in Woburn.

Be it enacted, &c., as follows:

May apply to S.
J. court for leave
to appropriate
funds to pay
debts.

SECTION 1. The trustees of the ministerial fund in Woburn, incorporated by an act passed on the twenty-fourth day of February in the year eighteen hundred and ten, and the First Congregational Society in Woburn, are hereby authorized to apply to the supreme judicial court in the county of Middlesex or Suffolk, by a bill in equity, for leave and authority to use and apply the funds in the hands of said trustees for the payment of the debts of said First Congregational Society.

Court to order
notice served.

May grant leave
to use funds.

SECTION 2. The supreme judicial court, upon the filing of said application, shall order notice thereof to be given to all parties interested, by publishing the same in some newspaper published in the county of Middlesex, at least three weeks before a hearing on said application; and after such notice has been given, the court are hereby authorized to decree, if they are satisfied that the interests of said First Congregational Society require it, that said trustees shall use and apply all that portion of the funds in their hands arising by accumulation, or in any other way, from the proceeds of the sale of pews in a meeting-house named in the act aforesaid incorporating said trustees, to the payment of the debts of said First Congregational Society in Woburn; and such decree shall forever absolve said trustees from any obligation to apply that portion of the funds so used, for the payment of the debts of said society, to any other purpose or object.

Decree to absolve
trustees from ob-
ligation.

SECTION 3. This act shall take effect upon its passage.

Approved April 1, 1861.

[1852, 94; 1853, 175; 1856, 158.]

Chap. 128 AN ACT to enable the City of Springfield to convey certain Real Estate.

Be it enacted, &c., as follows:

May give Poor-
house farm for
Agricultural
School.

SECTION 1. The city of Springfield is hereby authorized to give, grant and convey, the city farm, otherwise known as the poor-house farm, to any association or corporation, which shall be duly organized for the purpose of establishing an Agricultural School or College, in or near said Spring-

field; said grant to be conditioned for the promotion of agriculture.

SECTION 2. Said conveyance shall be made in conformity with the provisions of the charter and ordinances of the city, and upon the express condition, that the assent of a majority of the legal voters of said city, voting thereon, shall be obtained thereto, at a meeting to be called and conducted in accordance with the requirements of the charter and ordinances of said city concerning public meetings. *Approved April 2, 1861.*

Conditions of conveyance.

[1861, 151; 1863, 107, 192, 204; 1867, 94.]

AN ACT authorizing the Town of Clinton to make an Appropriation.

Chap. 129

Be it enacted, &c., as follows :

The town of Clinton in the county of Worcester is hereby authorized to appropriate the sum of one thousand dollars for the purpose of purchasing a suitable uniform for the members of Company C, Ninth Regiment of the Massachusetts Volunteer Militia: *provided, however*, that at a public town meeting legally held for that purpose, two-thirds of the voters of said town present and voting thereon, shall vote to make such appropriation. *Approved April 2, 1861.*

May appropriate for military uniforms.

Proviso.

[1847, 29, 258; 1849, 27; 1850, 106; 1854, 433; 1860, 217; 1861, 105.]

AN ACT in addition to "An Act to establish the City of Charlestown."

Chap. 133

Be it enacted, &c., as follows :

SECTION 1. The board of aldermen of the city of Charlestown shall hereafter consist of nine members, three to be selected from each ward; and the same shall be elected by the inhabitants of the city at large, voting in their respective wards.

Board of aldermen.

SECTION 2. This act shall not go into operation until a majority of the citizens voting thereon by ballot, shall accept the same, at ward meetings duly notified for the purpose; and if this act shall be so accepted, it shall take effect upon its acceptance: *provided, however*, that the vote thereon may be taken at the next annual state election in November next; and if then accepted, it shall go into operation at the then next ensuing municipal election in said city, in the month of December following. *Approved April 2, 1861.*

Act to take effect when accepted.

Proviso.

[1862, 196; 1863, 9; 1864, 123, 160, 176; 1865, 135; 1866, 212; 1867, 35, 60, 66, 224, 277, 343; 1868, 202, 249, 253.]

AN ACT to authorize the Commissioners for the County of Essex to borrow Money for the Erection and Alterations of Public Buildings.

Chap. 134

Be it enacted, &c., as follows :

The county commissioners for the county of Essex, are hereby authorized and empowered to borrow, on the credit

May borrow \$25,000.

of said county, in addition to the amount of debt they are now authorized to contract, a sum not exceeding twenty-five thousand dollars; the same to be expended by said commissioners, or their successors in office, in erecting a building for the use of the courts and public offices, in connection with the court house in the city of Salem, if the commissioners shall so determine.

Approved April 2, 1861.

Chap. 135 AN ACT to incorporate the Dedham and West Roxbury Railroad Company.

Be it enacted, &c., as follows :

Corporators.

Name.

Route.

SECTION 1. John T. Whittemore, Joseph P. Woodbury, Charles G. Mackintosh, William Whiting, Andrew S. March, Harrison G. Hunt, T. B. Moses, Everett C. Banfield, Erastus Worthington, Josiah W. Hubbard, George H. Williams, Waldo Colburn, William O. Hibbard, Thomas G. Whytal, their associates and successors, are hereby made a corporation by the name of the Dedham and West Roxbury Railroad Company; with power to construct, maintain and use a railway or railways, with convenient single or double tracks, commencing upon the Dedham Turnpike, now called Shawmut Avenue, in West Roxbury, at the junction of said avenue with the Boston and Providence Railroad, at or near Forest Hills Station; and from that point upon and over said avenue, South, Austin and Spring Streets, to the dividing line between West Roxbury and Dedham, at or near the Vine Rock Bridge; and from said dividing line, upon and over said Vine Rock Bridge and the public streets or highways, to the court house in Dedham; and upon and over such streets or highways in Dedham, to such point or points in said town as may, from time to time, be fixed and determined, in the manner hereinafter provided and assented to in writing by this corporation. Said railroad shall be built and completed to, at or near the court house in said Dedham, within the time specified in this act. Said railroad may be constructed upon any other streets or highways in West Roxbury, designated in the manner hereinafter provided, and assented to in writing by this corporation, necessary and proper for opening horse railroad accommodations between Vine Rock Bridge and the aforesaid junction of Shawmut Avenue with the Boston and Providence Railroad.

Construction and maintenance in Roxbury and W. Roxbury.

SECTION 2. Said corporation is hereby authorized, with the consent of the mayor and aldermen of the city of Roxbury, and the selectmen of West Roxbury, respectively, to construct, maintain and use a railway or railways, with

convenient single or double tracks, upon said Shawmut Avenue, in West Roxbury and the city of Roxbury, between the junction of said avenue with the Boston and Providence Railroad, at or near Forest Hills Station and the terminus of the Metropolitan Railroad on said avenue in the city of Roxbury: *provided*, the Metropolitan Railroad Company and the West Roxbury Railroad Company, or either of them, shall not commence constructing a railway between those points as soon as the railroad track of this corporation is constructed upon the whole route herein before designated, between Dedham and said junction, and prosecute the same with reasonable despatch, and complete the same ready for use within forty-five days after the road is built from said Dedham to said junction: *provided*, that the selectmen of said town of Dedham shall grant a location to said company over so much of said route as lies in said town; but if such location is refused, then said company is authorized to commence building their road at Baker Street, in said West Roxbury.

If the Metropolitan Railroad Company, or the West Roxbury Railroad Company, or either of them fail to commence and construct within the time herein specified, that part of the railroad between said junction and the terminus of the Metropolitan Railroad on said Shawmut Avenue, in the city of Roxbury, and embraced in their respective charters, they, or either of them, shall be forever prohibited from constructing the same, and that right shall be vested in this corporation; and *provided*, nothing herein contained shall authorize this corporation to build said last mentioned railway or otherwise to restrict the rights heretofore granted to the Metropolitan and West Roxbury Railroad Companies by their respective charters, if said companies shall make, in good faith, application to the mayor and aldermen of the city of Roxbury, and the selectmen of the town of West Roxbury, for location of their respective roads over so much of that part of Shawmut Avenue as lies in said city and town north of the northern terminus of this corporation, as stated in section one, and either of them shall have failed to obtain the same after making reasonable and proper exertion in that behalf.

Failure of Metropolitan or West Roxbury company to commence construction as specified, to bar them thereafter.

Provided.

SECTION 3. Before proceeding to locate the track or tracks in any of the streets or highways in the city of Roxbury, or the towns of West Roxbury and Dedham, the mayor and aldermen of said city, and the selectmen of said towns, shall give notice thereof, at the expense of said railroad company, to the abutters on said streets or highways, by publication in such newspapers in the counties of Norfolk and Suffolk as they shall determine, at least three successive

Notice to abutters by municipal authorities.

weeks before such meeting, of the time and place when and where they will fix and determine the location and manner of constructing such track or tracks, and such abutters may then and there appear and show cause, if any there be, why such track or tracks shall not be so constructed and located; and if the selectmen of said towns, or either of them, shall refuse to locate the same, the location thereof may be ordered by a majority of the legal voters present and voting thereon at any town meeting held for that purpose.

Construction and maintenance.

Alteration of grade.

Proviso.

SECTION 4. Said railroad shall be constructed and maintained in such manner and form, upon such gauge and grade as the mayor and aldermen of said city, and the selectmen of said towns, shall prescribe and direct; and whenever it shall be necessary to alter the grade of any street or highway so occupied by it, such alteration may be made at the sole expense of said corporation: *provided*, the same shall be assented to by the mayor and aldermen of said city of Roxbury, and the selectmen of said towns, respectively.

Motive-power.

Speed and mode of use, how regulated.

Discontinuance of track.

SECTION 5. Said railroad shall be operated with horse-power only. The mayor and aldermen of said city, and the selectmen of said towns, shall regulate the speed and mode of use of said railroad; and at any time after the expiration of one year from the opening for use of said railroad, in any street in which the same may be located, as provided by its charter, the mayor and aldermen of said city, and the selectmen of said towns, may, by a vote of the majority, determine as to the said track, that the same or any part thereof be discontinued; and thereupon the location shall be deemed revoked, in conformity with such vote: *provided*, that such taking and removal shall be at the expense of the said railroad company.

Corporation to maintain highways occupied by their tracks.

SECTION 6. Said corporation shall keep in repair such portions of the streets and highways as shall be occupied by their tracks, and shall be liable for any losses and injuries sustained by any person by reason of carelessness or misconduct of its agents or servants in the management, construction or use of said road.

Unused track to be removed and highway repaired

SECTION 7. If said corporation discontinues the use of any part of its railroad, it shall remove the same from the streets or highways, and shall put the streets where the same is removed in as good condition for public travel as they were in when first occupied by said railroad.

Corporation may transfer franchise.

SECTION 8. Said corporation is authorized to sell, lease or transfer its franchise and all its property or rights, or any part thereof, to any other similar corporation, on such

terms as may be mutually agreed upon, and make and execute all instruments necessary for that purpose; and the corporation purchasing the same shall have all the rights, and be subject to the requirements, restrictions and liabilities, herein contained. When a sale or transfer is made, the capital stock shall become a part of the capital stock of the purchasing corporation, but no sale or transfer by this corporation shall prevent the city of Roxbury, and the towns of West Roxbury and Dedham, from purchasing the same at the time and upon the provisions contained in section fourteen.

Transfer to consolidate.

SECTION 9. Said corporation shall have a right to connect their railroad with the Metropolitan Railroad and the West Roxbury Railroad, but shall not run their cars over said railroads or use them in any manner without the consent of said corporations respectively, and only on such terms as may be mutually agreed upon.

May connect with other roads.

SECTION 10. The capital stock of said corporation shall not exceed the sum of one hundred and thirty thousand dollars, to be divided into shares of one hundred dollars each, and no shares shall be issued for a less amount than the par value actually paid in.

Capital stock and shares.

SECTION 11. Said corporation shall have power to purchase and hold such real estate in the city of Roxbury, and the towns of West Roxbury and Dedham, as may be necessary and proper for the management of said railroad.

Real estate.

SECTION 12. Nothing in this act shall be construed to prevent said city and towns from taking up any of the streets or highways traversed by said railroad for any purpose for which they may lawfully take up the same.

Rights of municipalities not abridged.

SECTION 13. If any person shall wilfully or maliciously obstruct said corporation or its agents or servants in the use of said railroad or its tracks, or in the passing of the cars thereon, such person and all aiding and abetting therein, shall be punished by a fine not exceeding five hundred dollars, or may be imprisoned in the county jail not exceeding three months. If said corporation or its agents or servants shall wilfully or maliciously obstruct any highway or the passing of any persons or carriages over the same, said corporation shall be punished by a fine not exceeding five hundred dollars.

Penalty for obstructing corporation.

Penalty for obstruction by corporation.

SECTION 14. The aforesaid city and towns may at any time after the construction of said road, purchase of said corporation the franchise, and all the property of said corporation, by paying said railroad company therefor, such a sum as will reimburse to each person who may then be a

Municipalities may purchase.

Conditions.

stockholder therein, the par value of his stock together with a net profit of ten per cent. per annum from the time of the transfer of stock to him on the books of the corporation, deducting the dividends received by said stockholder thereon.

Annual returns,
&c.

SECTION 15. Said corporation shall be deemed a railroad corporation so far as to be subject to make such annual returns to the legislature as are or may be prescribed by law, and also to all such general provisions of law as are or may be prescribed respecting horse railroads.

Act to be accepted
and road located
in two years.

SECTION 16. This act of incorporation shall be void, unless accepted by the mayor and aldermen of said city, and the selectmen of said towns, and said road is located by them within two years from the passage of this act; and if the selectmen of said towns, or either of them, refuse to accept said charter or locate said road, the same may be accepted and the location ordered by a majority of the legal voters present and voting thereon.

Fare and freight.

SECTION 17. Said corporation shall have power to fix from time to time, such rates of compensation for transportation of persons and property, as they may think expedient; but the rate of passenger fare shall not exceed five cents per mile to each passenger; and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes.

Powers and du-
ties.

SECTION 18. This act shall take effect upon its passage.

Approved April 3, 1861.

[1863, 3; 1864, 154; 1865, 129; 1866, 176; 1868, 109.]

[Old Colony, 1844, 150; 1845, 120, 126, 226, 241; 1846, 178; 1847, 85; 1848, 84; 1849, 163, 169, 195, 237; 1850, 260, 268; 1852, 124; Fall River, 1844, 100; 1845, 226, 234; 1846, 259; 1847, 210; 1849, 169, 198, 212; 1852, 67. O. C. & F. R., 1854, 198, 303, 324; 1858, 171. Boston Harbor, 1860, 137.]

Chap. 137 AN ACT concerning the Old Colony and Fall River Railroad Company.
Be it enacted, &c., as follows:

May maintain
railway in Bos-
ton.

SECTION 1. The Old Colony and Fall River Railroad Company is hereby authorized to construct and maintain a railway, beginning at a point on Kneeland Street, between South and Cove Streets, in Boston; thence running southerly to the channel, between Boston proper and South Boston, at or near Clark's Wharf, so called; thence southerly, bearing more westerly across said channel to the South Boston shore at land belonging to the said Old Colony and Fall River Railroad Company, and westerly of their present track; thence curving southerly over land of said Old Colony and Fall River Railroad Company, and near to land of the South Boston Iron Company, to Fourth Street; thence

under said Fourth Street curving, easterly, over or near land of trustees of Cyrus Alger, deceased, and over flats belonging to said Old Colony and Fall River Railroad Company, to a point at or near the westerly corner of flats owned by or in the care of Daniel Denny, and over flats of the Old Colony and Fall River Railroad Company, and over flats owned by or in the care of said Denny, or the trustees of Cyrus Alger's estate, to the New York Central Railroad track; thence over the same to a point in the present track of the Old Colony and Fall River Railroad Company, at or near Dorchester Avenue.

SECTION 2. The bridge across the channel between Boston and South Boston shall be provided with a suitable draw at least as wide as the draw in the bridge next below it, with sufficient piers, and the lines of the piles of the structure shall be driven in the direction of the current, which draw, with the bridge, shall be constructed under the direction of three commissioners to be appointed by the governor and council, and paid by the railroad company; and said commissioners shall give notice to the mayor and aldermen of Boston, and to all persons owning property in the vicinity, which may be affected thereby, that they intend to locate said bridge. The said bridge shall not be over twenty-six feet in width, and the draw shall at all times be kept in good repair by said railroad company, who shall open it for the passage of vessels by day or night. And said commissioners shall have authority to fix and determine the point on the shore of Boston proper, from which said bridge shall commence, which shall be between the most easterly dock in the wharf of the Boston and Worcester Railroad Corporation and a point three hundred feet easterly of the same; and also the point on the shore of South Boston, at which said bridge shall end, which shall be within four hundred feet westerly of the end of their present bridge; and the Old Colony and Fall River Railroad Company shall locate the railway hereby authorized in conformity to such determination of said commissioners; and none of the work necessary in building said bridge in said channel, northerly of the draw therein, shall be done between the first day of April and the first day of December following in any year: *provided*, that said Old Colony and Fall River Railroad Company shall not occupy any flats within said new line that they have not purchased, without making due compensation for the same to the party entitled thereto.

SECTION 3. When the railway hereby authorized is constructed and ready for use, all that part of the present track,

Bridge to South
Boston.
Draw, &c.

Commissioners,
duties of.

Location of rail-
way by company.

Proviso.

Discontinuance
of track.

bridge and location, of the said Old Colony and Fall River Railroad Company, between the point of intersection with the track hereby authorized in South Boston, and the west side of Lehigh Street in Boston proper, shall be discontinued, and the bridge and piles removed at the expense of the said company.

Powers and duties.

SECTION 4. The said Old Colony and Fall River Railroad Company, in the location, construction and use of the railroad hereby authorized to be constructed, shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, contained in the General Statutes concerning railroad corporations.

Bridge over N. Y. Central Railroad.

SECTION 5. The bridge, by which the railway hereby authorized passes over the New York Central Railroad track, shall be at least twenty-five feet wide between its abutments, and shall be built in a suitable manner, and kept in repair

Bridge in Fourth Street.

by said Old Colony and Fall River Railroad Company; and the bridge, by which Fourth Street passes over the railway hereby authorized, shall be built and kept in repair by said

Grade of street.

Old Colony and Fall River Railroad Company, and shall be at least fifty feet wide. The said Old Colony and Fall River Railroad Company shall have power to raise the present grade of Fourth Street, including Dover Street Bridge, where it passes over the track hereby authorized, twelve feet by such an ascent to the bridge as the board of aldermen shall decide; the expense of which raising on the easterly side of said railway shall be borne by said Old Colony and Fall River Railroad Company, and the expense of raising the street and bridge on the west side thereof by the said railroad company and the city of Boston: *provided, however*, that the city of Boston shall be required to bear only such portion of said expense as is necessary to put said Dover Street Bridge, on the west side of said railway, in such substantial and permanent repair for the purposes of a highway as could be required if said raising had not taken place.

Expense, how borne.

Proviso.

Disagreement, how adjusted.

SECTION 6. If the said Old Colony and Fall River Railroad Company and the city of Boston cannot agree upon the proportion of the cost of raising the grade of the street and bridge on the westerly side of the crossing aforesaid to be borne by each, then the whole of the expense of such raising shall be in the first instance paid by said Old Colony and Fall River Railroad Company, and the work of raising to be performed by them, under the direction of the board of aldermen of the city of Boston; and after the whole work has been completed, and the cost has been ascertained, the said Old Colony and Fall River Railroad Company may apply

Commissioners, how appointed.

to the supreme judicial court, sitting for Suffolk County, for the appointment of three disinterested persons as commissioners to apportion the expense of said work between said Old Colony and Fall River Railroad Company and the city of Boston; and the commissioners appointed by the court shall hear the parties, and make their award apportioning said cost between the said Old Colony and Fall River Railroad Company and said city of Boston, and return the same to the said court, which award, when accepted by the court, shall be binding upon the parties, and shall entitle the Old Colony and Fall River Railroad Company to maintain an action against said city for the proportion of said cost awarded to be paid by said city. The expense of said commissioners shall be borne equally by said railroad company and said city.

Hearing and
award.

Expense.

SECTION 7. The line, described in section first of "An Act in addition to an Act entitled 'An Act concerning lines in Boston Harbor,'" passed May seven, eighteen hundred and fifty-five, is hereby established, instead of the tenth line, described and established in and by section fourth of the act passed April second, eighteen hundred and forty-two, entitled "An Act concerning lines in Boston Harbor;" and the said Old Colony and Fall River Railroad Company are hereby authorized and required, within two years from the passage of this act, to build on said line hereby established from the South Free Bridge, a solid stone wall, and also to remove any portion of a stone wall which projects beyond the line hereby established.

Line established.

Company may
build stone wall.

SECTION 8. No damages shall ever be claimed or recovered of the city of Boston by the Old Colony and Fall River Railroad Company for crossing hereafter the track hereby authorized by a public street, provided the street crosses over the track on a suitable bridge. And that portion of the track hereby authorized, where Broadway, if extended, would cross it, shall not be more than twelve inches higher than the said track, where it crosses under Fourth Street.

Damages.

Height of track.

SECTION 9. Unless said Old Colony and Fall River Railroad Company shall locate the railroad hereby authorized within two years, and construct and complete the road within five years from the passage hereof, the whole of this act, except section seventh, shall be void.

Time for location
and construction

Approved April 3, 1861.

[1861, 156; 1862, 149; 1863, 238; 1864, 18; 1865, 102; 1866, 97; 1867, 74, 170, 201, 271; 1868, 122, 189.]

[1853, 70; 1854, 224; 1855, 158.]

Chap. 140 AN ACT in addition to "An Act to establish the City of Lawrence."*Be it enacted, &c., as follows :*Assessors of taxes
to be elected for
three years.

SECTION 1. The city council of the city of Lawrence shall, in the month of March or April, in the year eighteen hundred and sixty-two, elect by joint ballot, in convention, three persons to be assessors of taxes ; the person first chosen to hold office for three years, the person next chosen to hold office for two years, and the person last chosen to hold office for one year, from said election ; and said council shall, in like manner, in the month of January or February, in each succeeding year, elect a member of said board, who shall hold office for the term of three years from his election.

Vacancy, how
filled.

SECTION 2. In case of a vacancy in said board of assessors, by death, resignation, removal or otherwise, such vacancy shall be filled by choice of another assessor in the manner aforesaid, who shall hold his office for the unexpired term for which the member in whose place he shall be elected would have held the same.

Repeal.

SECTION 3. So much of the provisions of the eighth section of "An Act to establish the city of Lawrence," as relates to the election of assessors, is hereby repealed.

Act to be ac-
cepted.

SECTION 4. This act shall take effect from and after its acceptance by a majority of the citizens voting thereon, at ward meetings duly notified for the purpose.

Approved April 6, 1861.

[1862, 108; 1868, 143.]

[1855, 312.]

Chap. 141 AN ACT to establish the Salary of the Justice of the Police Court, in Lee.*Be it enacted, &c., as follows :*

Salary fixed.

The salary of the justice of the police court of Lee shall hereafter be five hundred dollars.

Approved April 6, 1861.

[1852, 253; 1855, 388; 1857, 169; 1859, 210; 1860, 200.]

Chap. 142 AN ACT in relation to Streets on the Back Bay.*Be it enacted, &c., as follows :*

Plan confirmed.

The various streets and ways on the Back Bay, in the city of Boston, and on the northerly side of the Mill-dam, as laid down on the general plan thereof, accompanying the fifth annual report of the commissioners on the Back Bay, and dated Boston, January twenty-first, eighteen hundred and fifty-seven, and deposited in Suffolk Registry of Deeds, August thirty-first, eighteen hundred and fifty-eight, with such modifications and alterations as have been made by the commissioners, shown on the plan recorded in Suffolk

Registry of Deeds, liber seven hundred and eighty-eight, folio one hundred and fifty-nine, are hereby ratified and confirmed; and the said commissioners shall have the general control of all streets, ways, and squares on the land of the Commonwealth, and may offer them, or any portion of them, for acceptance by the city of Boston, on such terms and conditions as they may deem expedient, subject to the approval of the governor and council: *provided*, that nothing herein contained shall be construed to authorize the commissioners on the Back Bay to postpone or modify the operation of the fourth section of chapter one hundred and fifty-four of the acts of the year one thousand eight hundred and fifty-nine.

Commissioners,
powers of.

Proviso.

Approved April 6, 1861.

[1862, 15; 1866, 68, 264; 1867, 338.]

AN ACT to incorporate the Duxbury Railroad Company.

Chap. 147

Be it enacted, &c., as follows:

SECTION 1. John S. Loring, Stephen N. Gifford and Joshua W. Swift, their associates and successors, are hereby made a corporation, by the name of the Duxbury Railroad Company, with power to construct, maintain and use a railway or railways, with convenient single or double tracks, from some point in the town of Kingston, at or near the depot of the Old Colony and Fall River Railroad Company, and upon and over such of the streets and highways of said town, as shall be, from time to time, fixed and determined by the selectmen of said town, with the assent in writing of said corporation, filed with said selectmen, to the intersection of the same with the streets and highways of the town of Duxbury, and then upon and over such of the streets and highways of the said town of Duxbury, as shall be, from time to time, fixed and determined by the selectmen of said town, with the assent in writing of said corporation, filed with the selectmen of said town, and also over and upon such other land in said towns, as said corporation may elect to build their road or roads upon, and over, to some convenient point or points in said town of Duxbury.

Corporators.

Name.

Location.

SECTION 2. Said tracks or roads shall be operated and used by said corporation with horse-power only; said corporation shall have power to fix from time to time, such rates of compensation for transporting persons and property as they may think expedient; and the selectmen of said towns shall have power at all times to make all such regulations as to the rate of speed and mode of the use of the tracks as the public convenience and safety may require.

Motive-power.

Fare and freight.

Speed and use of
tracks.

Highways, repair
of.

Liability for loss
from neglect.

SECTION 3. Said corporation shall keep and maintain in repair such portion of the streets and highways, respectively, as shall be occupied by their tracks, and shall be liable for any loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of any of its agents and servants, in the management, construction or use of said roads, tracks or highways; and in case any recovery shall be had against either of said towns, by reason of such defect or want of repair, said corporation shall be liable to pay to said towns, respectively, or either of them, any sums thus recovered against them, together with all costs and reasonable expenditures incurred by them, respectively, in defence of any such writ or writs, in which recovery may be had; and said corporation shall not encumber any portion of the streets or highway, not occupied by said road or tracks.

May issue bonds.

SECTION 4. Said corporation is hereby authorized to issue bonds for the purpose of constructing or equipping their road, the amount thereof not to exceed the amount of capital stock paid in, of the same kind, in the same manner, upon the same terms, conditions and restrictions, and to be approved, certified, recorded and secured, in all respects in the same way as the bonds which the Cliftondale Railroad Company has been authorized by law to issue.

Conditions.

Penalty for ob-
struction of road.

SECTION 5. If any person shall wilfully and maliciously obstruct said corporation, in the use of said road or tracks, or the passing of the cars or carriages of said corporation thereon, such person and all who shall be aiding or abetting therein shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the common jail not exceeding three months.

Obstruction by
corporation.

SECTION 6. If said corporation or its agents or servants shall wilfully and maliciously obstruct any highways or passing of any carriages over the same, such corporation shall be punished by a fine not exceeding five hundred dollars.

Capital stock and
shares.

SECTION 7. The capital stock of said corporation shall not exceed forty thousand dollars, to be divided into shares of one hundred dollars each.

Real estate.

SECTION 8. Said corporation shall have power to purchase and hold such real estate within said towns, as may be convenient or necessary for the purposes and management of said road.

Rights of towns
unimpaired.

SECTION 9. Nothing in this act shall be construed to prevent the selectmen of said towns from entering upon and taking up any of the public streets or highways, traversed by said railroad, for any purpose for which they may now lawfully take up the same.

SECTION 10. This act shall be void, so far as relates to the right to construct said road in said towns, unless the same shall be accepted by the selectmen of said towns, and unless the same shall be accepted by said corporation, and unless said road shall be located within three years from the passage of this act.

Acceptance of act and construction of road.

SECTION 11. Said corporation shall be deemed a railroad corporation, so far as to be subject to make such annual returns to the legislature, as are or may be prescribed by law, and shall have all the rights and powers of railroad corporations under existing provisions of law, to purchase or otherwise take, any land necessary for making their railroad, outside of the streets and highways, and shall be subject to all existing provisions of law, applicable to railroad corporations, for the assessment and payment of damages for land so taken.

Annual returns.

Powers and duties.

SECTION 12. This act shall take effect upon its passage.

Approved April 6, 1861.

AN ACT to incorporate the Worcester Horse Railroad Company.

Chap. 148

Be it enacted, &c., as follows :

SECTION 1. Albert Curtis, Loring Coes, William H. Heywood, John C. Mason, Frederic W. Paine, Joseph Sargeant, and James H. Wall, their associates and successors, are hereby made a corporation by the name of the Worcester Horse Railroad Company, with power to construct, maintain and use a railway, with convenient single or double tracks, from such point or points on Main Street, in the city of Worcester, as shall be from time to time fixed by the mayor and aldermen of said city, with the assent, in writing, of said corporation, filed in the office of the city clerk of said city; then upon and over such street or streets, and such highway or highways, as shall be designated by a vote of the mayor and aldermen of said city.

Corporators.

Name.

Location.

SECTION 2. The corporation hereby created, in crossing all the branches and lateral tracks of any other railroad company, shall cross in such a manner as not to injure any of the said tracks or branches, and the rails thereof, and shall insert no frogs therein, and make no incisions into the rails thereof without the consent of said company, but shall cross the same as the Watertown branch of the Fitchburg Railroad Company is now crossed in Watertown, by the Waltham and Watertown Railroad Company, unless some other arrangement shall be made between said companies.

Crossing other tracks, restrictions upon.

SECTION 3. Said tracks or roads shall be operated and used by said corporation with horse-power only. The mayor

Motive-power.

Rate of speed and use of tracks.	and aldermen of the city of Worcester shall have power, at all times, to make all such regulations, as to the rate of speed and mode of use of the tracks, as the public safety and convenience may require.
Highways, maintenance of.	SECTION 4. Said corporation shall keep and maintain in repair such portion of the streets and highways respectively, as shall be occupied by their tracks, and shall be liable for any loss or injury that any person may sustain, by reason of any carelessness, neglect or misconduct of any of its agents and servants in the management, construction or use of said roads, tracks or highways; and in case any recovery shall be had against said city of Worcester, by reason of such defect or want of repair, said corporation shall be liable to pay to said city of Worcester any sums thus recovered against said city, together with all costs and reasonable expenditures, incurred by said city in the defence of any such suits, in which recovery may be had; and said corporation shall not use any portion of the streets or highways not occupied by said road or tracks.
Liability for injury from carelessness.	
Penalty for obstruction of corporation.	SECTION 5. If any person shall wilfully and maliciously obstruct said corporation in the use of said road or tracks, or the passing of the cars or carriages of said corporation thereon, such person, and all who shall be aiding or abetting therein, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the common jail for a period not exceeding three months.
Obstruction by corporation.	SECTION 6. If said corporation, or its agents or servants, shall wilfully and maliciously obstruct any highways, or the passing of any carriages over the same, such corporation shall be punished by a fine not exceeding five hundred dollars.
Capital stock and shares.	SECTION 7. The capital stock of said corporation shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each.
Real estate.	SECTION 8. Said corporation shall have power to purchase and hold such real estate within said city of Worcester, as may be convenient or necessary for the purposes and management of said road.
Construction and maintenance.	SECTION 9. The said road shall be constructed and maintained in such form and manner, and upon such grade as the mayor and aldermen of said city of Worcester may in their votes, fixing and determining the routes thereof, as aforesaid, prescribe and direct; and whenever in the judgment of said corporation it shall be necessary to alter the grade of any street so occupied by it, such alteration may be made at the sole expense of said corporation: <i>provided</i> , the same
Alteration of grade.	
Proviso.	

shall be assented to by the mayor and aldermen of said city of Worcester.

SECTION 10. Nothing in this act shall be construed to prevent the mayor and aldermen of said city from entering upon and taking up any of the public streets or highways traversed by said railroad, for any purpose for which they may now lawfully take up the same.

Control of highways by selectmen.

SECTION 11. At any time after the expiration of one year from the opening for the use of the tracks of said railroad in any street or road in which the same shall be located, as provided by its charter, the mayor and aldermen of the city of Worcester may determine as to so much of said tracks as is located within said city, that the same, or any part thereof, be discontinued; and thereupon the location shall be deemed to be revoked, and the tracks of said railroad shall forthwith be taken up and removed, in conformity with the order of said mayor and aldermen of the city of Worcester; and such taking up and removal shall be at the expense of said railroad corporation.

Discontinuance of road in certain cases.

SECTION 12. The city of Worcester may, at any time during the continuance of the charter of said corporation, and after the expiration of ten years from the opening of any part of said road for use, purchase of said corporation all the franchise, property, rights, and furniture of said corporation, by paying therefor such a sum as will reimburse to each person who shall then be a stockholder therein, the par value of his stock, together with a net profit of ten per cent. per annum from the time of the transfer of said stock to him on the books of the corporation, deducting the dividends received by said stockholders thereon.

Worcester may purchase road.

Conditions.

SECTION 13. This act shall be void, so far as relates to the right to construct said road in said city of Worcester, unless the same shall be accepted by the mayor and aldermen of said city of Worcester, and unless the same shall be accepted by said corporation, and unless said road shall be located within two years from the passage of this act.

Act void unless accepted, and road located, within two years.

SECTION 14. Said corporation shall be deemed a railroad corporation, so far as to be subject to make such annual returns to the legislature as are, or may be prescribed by law; and also so far as to be subject to all existing provisions of law for the assessment and payment of damages for the land outside of the streets and highways taken by them for their tracks; and to all general provisions of law that are, or may be, prescribed relative to horse or street railroads.

Annual returns.

Damages.

SECTION 15. This act shall take effect upon its passage.

Approved April 6, 1861.

[1863, 19; 1864, 102; 1866, 182; 1867, 141.]

Chap. 149

AN ACT in relation to School Districts in Freetown.

*Be it enacted, &c., as follows :*Reorganization
authorized.

SECTION 1. The town of Freetown is hereby authorized to reorganize the "Village District," so called, in said town, so as to constitute two districts; and said districts shall be entitled to all the powers and privileges, and subject to all the duties, liabilities and restrictions, of school districts.

Limitation of
time.

SECTION 2. This act shall be void unless the inhabitants of said town, at a legal meeting called for the purpose within one year from the passage of this act, shall reorganize said district as above provided.

*Approved April 6, 1861.***Chap. 150**

AN ACT to incorporate the Cape Cod Mutual Fire Insurance Company.

Be it enacted, &c., as follows :

Corporators.

Zebina H. Small, Obed Brooks, Chester Snow, Nathaniel Snow, Benjamin T. Freeman, Joseph K. Baker, junior, Marshall S. Underwood, John K. Sears, Joseph Cummings, Benjamin Freeman, Alexander Kenrick, their associates and successors, are hereby made a corporation by the name of the Cape Cod Mutual Fire Insurance Company, to be established in the town of Harwich, for the purpose of effecting mutual insurance, exclusively within the county of Barnstable, upon dwelling-houses, other buildings, and personal property, against loss or damage by fire; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the fifty-eighth chapter of the General Statutes, and to all other laws applicable to mutual fire insurance companies.

Name.

Location.

Powers and du-
ties.*Approved April 6, 1861.*

[1863, 83.]

[1861, 128.]

Chap. 151

AN ACT regulating the Construction of Wooden Buildings in the City of Springfield.

*Be it enacted, &c., as follows :*City council to
make regula-
tions, &c.

SECTION 1. The city council of the city of Springfield are hereby authorized and empowered to make all such regulations, ordinances and by-laws, as they may deem expedient concerning the erection, construction and placing of wooden buildings within the limits of said city, for protection against fire, to establish districts within which wooden buildings, except of a prescribed size, shall not be erected, and to prescribe such penalties as they deem proper, for the violation of any such regulations, ordinances or by-laws.

Buildings erected
contrary to regu-
lations to be
deemed nuisanc-
es, &c.

SECTION 2. Any building hereafter erected, constructed or placed contrary to the provisions of such by-laws, ordinances, or regulations, shall be deemed and taken to be a common nuisance; and the mayor and aldermen shall have

the like power and authority to abate and remove the same, as is given to the board of health in the eighth, ninth and tenth sections of the twenty-sixth chapter of the General Statutes: *provided*, that nothing in this section shall be construed as affecting any remedy already given in the preceding section. *Provido.*

Approved April 6, 1861.

[1863, 107, 192, 204; 1867, 94.]

AN ACT to incorporate the Bank of Petty Loans and Savings.

Chap. 153

Be it enacted, &c., as follows :

SECTION 1. Frederic W. Sawyer, James Phillips, J. Wingate Thornton, William Endicott, junior, James H. Weeks, Albert Bowker, Daniel J. Coburn, J. S. Ropes, Seth E. Brown, Edward Brown, Oliver Ditson, Charles F. Barnard, Frederic W. G. May, T. Henry Perkins, Alanson Abbe, their associates and successors, are hereby made a corporation by the name of the Bank of Petty Loans and Savings, to be located in the city of Boston; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the fifty-seventh chapter of the General Statutes, and in all other laws of the Commonwealth, relative to savings institutions, except so far as otherwise provided in this act. *Corporators.* *Name.* *Powers and duties.*

SECTION 2. One moiety or more of the funds of the bank, if so applied for, shall be loaned on unincumbered productive real estate, situated within the Commonwealth, preference first being given to small loans. *Loan on real estate.*

SECTION 3. In case the borrower neglects or refuses to fulfil any of the conditions on which the loan was made to him, as expressed in the deed, the bank shall have the same remedies for determining his estate in the premises, and of ejecting him from the same, as is now provided by law for determining the estate of tenants at will, and ejecting them from the same for non-payment of rent. *Failure of borrower to fulfil conditions of loan.*

SECTION 4. In the case of any and all sales by the bank, of premises held by the bank as security for any loan, under a power of sale, mortgage, or other conveyance providing for a public sale of the same to satisfy the terms of the loan, the averment by the bank in its deed of the premises that the borrower had neglected or refused to fulfil the conditions of the loan or some of them, and that due notice of the time and place of sale had been duly given, and that all the terms and conditions on which the right of the bank to sell and convey the same had been fully and faithfully complied with, shall be final and conclusive evidence of those facts as between the borrower, and all third persons claiming said estate by, *Foreclosure.*

through or under said bank ; but the borrower may have his action for damages against said bank for any false averment in that particular.

Small loans.

SECTION 5. Loans in small sums shall be on a time fixed, but the borrower shall have the privilege of paying off the loan in whole or in part, at any time within the time limited for payment ; interest to be taxed only on the sum owing or unpaid to the time of payment.

Liability of heirs, executors, &c.

SECTION 6. Wherever in this act any duty, liability, right, power, privilege, immunity or disability is granted, secured or imposed on the "borrower," "pledgor" or "bank," the same shall be equally held to be granted, secured, or imposed on the heirs, executors, administrators, and assigns of the "borrower" and "pledgor," and the successors and assigns of the said "bank."

Approved April 6, 1861.

[1860, 211.]

Chap. 154 AN ACT to suspend "An Act in relation to the Flowage of the Meadows on Concord and Sudbury Rivers."

Be it enacted, &c., as follows :

Act suspended and proceedings stayed.

SECTION 1. The act passed on the fourth day of April, in the year one thousand eight hundred and sixty, entitled "An Act in relation to the flowage of the meadows on Concord and Sudbury Rivers," is hereby suspended, and the operation of the same, and all acts and doings under and by virtue of the same, are hereby stayed and forbidden until the first day of May, in the year eighteen hundred and sixty-two ; and the rights of no person are to be affected by any acts heretofore done under said act.

Engineers to be appointed to make experiments.

SECTION 2. The governor shall appoint, with the advice and consent of the council, three suitable and competent persons, two of whom shall be civil engineers, experienced in the management and operation of water, who shall make such experiments with the dam across the Concord River at North Billerica, erected by the proprietors of the Middlesex Canal, and the water raised by said dam, as shall be necessary to determine whether said dam affects, and if so, to what extent, the meadows on said Concord and Sudbury Rivers, above said dam, and report the results of the same, and their conclusions, to the governor, on or before the first day of January, in the year one thousand eight hundred and sixty-two, who shall forthwith communicate the same to the general court.

Compensation for damages.

SECTION 3. If the owners and persons entitled to the use of the water raised by said dam, shall not on or before the first day of May next, by notice thereof given in writing, to the attorney-general, waive all claim for compensation for

damages that may be caused by said experiments during seven consecutive days, to be designated by said commissioners, then this act shall be void : *provided*, that nothing contained in this act shall be construed to limit the time during which the said commissioners may institute and carry on said experiments. Proviso.

SECTION 4. If any other injury is done to the property of any person by making such experiments, said commissioners shall award damages therefor, to be applied for within three months after the injury so done. Any person dissatisfied with the award of said commissioners, may have a trial by jury to estimate his damages, which jury shall be applied for to the county commissioners of Middlesex County, within the same time, and in the same manner, as is by law provided for the estimation of damages occasioned by the laying out of highways; and all the proceedings shall be governed by the laws providing for the estimation of damages occasioned by the laying out of highways, by a jury, except that all notices required to be given shall be served on the attorney-general, who may appear at the trial of such application. And the damages, when ascertained, together with legal costs, shall be paid out of the treasury of the Commonwealth, the governor being hereby authorized to draw his warrant therefor. Other injuries to property, how redressed.
Trial by jury.
Payment of damages.

SECTION 5. This act shall take effect upon its passage.

Approved April 9, 1861.

[1862, 140.]

[1861, 44.]

AN ACT to incorporate the Midland Land Damage Company.

Chap. 155

Be it enacted, &c., as follows :

SECTION 1. Joseph W. Ward, Oliver S. Sanford, Stephen Baker, being owners of land covered and occupied by the Midland Railroad, or the assigns of such owners, and actual holders and owners of valid unpaid claims for land damage thereon, and their associates, successors and assigns, are hereby created a corporation by the name of the Midland Land Damage Company, with the rights and powers, and for the purpose hereinafter set forth. Corporators.
Name.

SECTION 2. The persons named in the above section, or a majority of them, shall meet and organize in the manner provided in the sixty-third chapter of the General Statutes of the Commonwealth of Massachusetts, within sixty days from the passage of this act, and upon filing with the secretary of the Commonwealth a copy of the record of the organization of the company, and a notice of the acceptance of this act by a majority of said corporators by them subscribed, with a certified copy of a vote of acceptance of the Organization.

Midland Railroad Company.

same, by the Midland Railroad Company, at a meeting duly called for that purpose at the office of the company in Boston, by a majority of the stock represented, which majority shall include at least two-thirds of the six per cent. preferred stock of said company, represented at said meeting. Said Midland Land Damage Company may enter upon and take possession of the said Midland Railroad, and all the appurtenances thereof, including the depots, buildings, lands, and apparatus of all kinds used in connection therewith, subject, however, to all existing liens, mortgages, and claims for land damages now existing and unpaid, to be had and held by the said Midland Land Damage Company, their successors and assigns, with all the rights and privileges hereinafter provided.

Powers and duties.

SECTION 3. The corporation hereby created shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the sixty-third chapter of the General Statutes of this Commonwealth, for the purpose of purchasing or discharging the liens and mortgages on the said road and the property thereof between its terminal points, and including its branch to Southbridge, and repairing, completing, improving, furnishing, managing, running and operating the said railroad, and all parts thereof, in the manner provided by law. They shall also have the power to retain the use and possession, and the profits of said railroad, and all the appurtenances thereof, until the receipts of net profits therefrom shall amount to a sum equal to all the land damages, mortgages, bonds and other liens paid and discharged or held by them with interest thereon, together with all the sums of money expended for the use and benefit of the road, as aforesaid, with ten per cent. interest thereon, or until the property shall be redeemed by the Midland Railroad Corporation, in the manner hereinafter provided.

Capital stock and shares.

SECTION 4. The capital stock of the company hereby created, shall not exceed one and a half millions of dollars, and shall be divided into shares of one hundred dollars each; and any land claimant shall be entitled to one share of stock for every hundred dollars he may pay into the treasury, or assign to the corporation hereby established, in valid liquidated claims for land damage or cash, within six months from the filing of said certificate.

Right of redemption.

SECTION 5. The Midland Railroad Company shall have a right to redeem their railroad and all the appurtenances thereof, with all the additions made thereunto, by paying or tendering to the treasurer of the corporation hereby estab-

lished, the amount of land damages subscribed to the stock of this corporation, and of all moneys by them lawfully expended, or paid under and by virtue of this act, together with ten per cent. interest thereon, after deducting the amount of net profits received by them over and above the salaries and other expenses incident thereto, at any time within eighteen months from the time of filing the certificate of acceptance and organization under this act.

SECTION 6. In case the Midland Railroad Company shall neglect or refuse to redeem their property agreeably to the rights and provisions hereby created, their act of incorporation, entitled "An Act to incorporate the Midland Railroad Company," approved March nineteenth, A. D. eighteen hundred and fifty-eight, shall be, and hereby is, repealed, and all the rights, title and interest of said company in said Midland Railroad and its branch, appurtenances and other property used in connection therewith, shall be vested in the corporation hereby established, subject to all mortgages and valid liens thereon.

Neglect or refusal to redeem.

SECTION 7. The Midland Railroad Company are hereby empowered at any time before the expiration of their charter, to sell, assign and transfer to said Midland Land Damage Company the debts, bonds, claims, liens, rights and securities, or any part thereof, purchased by them under the provisions of their charter, and to convey to said Midland Land Damage Company, all their railroad with its branch, lands, appurtenances, rolling stock, franchise and other property, subject to any valid mortgage or other lien thereon, upon such terms as shall be mutually agreed upon between said companies: *provided*, that such sale shall be authorized or sanctioned by a meeting of the stockholders of the Midland Railroad Company duly called; and the corporation hereby established are hereby authorized to take and hold such conveyance, and thereupon to enjoy all the rights and privileges set forth in the original charter of the Midland Railroad Company, or subsequently acquired by them, subject to all valid liens or mortgages thereon; and the said corporation hereby established, may thereupon use, enjoy, lease, sell or convey the same to any other railroad company, and such last named company is hereby empowered to purchase and hold the property thus conveyed and may increase its capital to an amount sufficient therefor; and the corporation hereby established may purchase and hold in common with any connecting railroad, an interest in any cars used for conveyance of through freight or travel.

Transfer of rights and property.

Proviso.

Increase of capital.

Claims to land
damages.

SECTION 8. The corporation hereby established shall succeed to and hold, in as full and ample a manner as the same are held by the persons or corporations holding the same, all the claims to land damages which shall be subscribed to the capital stock of this company, and all the liens, mortgages, bonds, and claims to land damages which they shall acquire by purchase; and shall succeed to and hold, and may enforce all the rights and remedies which were possessed by the original holders thereof.

Protection to
mortgagees.

SECTION 9. Nothing herein contained shall be construed to authorize the corporation hereby established, to divest any parties now in possession, under any mortgages or other liens, of any part of said railroad or its appurtenances, of such possessions, without paying or tendering to them payment of the amount due thereon; and nothing herein contained shall in any way prejudice or impair any of said mortgages, liens or claims to land damages, or the rights or remedies of any land owners or claimants of land damages upon the line of said railroad.

Transfer of claims
for land damages.

SECTION 10. Any executors, administrators, guardians, trustees, agents and parties holding claims as collateral, who hold any claims for land damages against said Midland Railroad or any part thereof or its branch, or against either of the corporations heretofore owning the same, are hereby authorized to transfer the same to the corporation hereby established, and to receive the pay therefor in certificates of stock, and hold the same in lieu of said claims for land damages.

Acceptance of
Act.

SECTION 11. In case the Midland Railroad Company shall fail to accept of this act, and to certify such acceptance to the secretary of this Commonwealth within sixty days after the passage of this act, and after such failure, shall fail for eighteen months from the passage of this act to pay said claims for land damage and the interest thereon, and to put said Midland Railroad, between its terminal points in Boston in this Commonwealth, and Thompson in Connecticut, including the Southbridge Branch, in good running order, and to have the same duly run, then said act entitled "An Act to incorporate the Midland Railroad Company," approved March nineteenth, A. D. eighteen hundred and fifty-eight, shall be, and hereby is, repealed.

Conditional
repeal.

Failure to fulfil
conditions, to
repeal Act.

SECTION 12. In case the Midland Railroad Company shall accept this act as before provided, and the company hereby created shall fail for eighteen months after the filing of the certified copy of the vote of their acceptance, to put said Midland Railroad, between its terminal points in Bos-

ton in this Commonwealth, and Thompson in Connecticut, including its Southbridge Branch, in good running order, and to have the same duly run, then this act shall be, and the same is, hereby repealed.

SECTION 13. This act shall take effect upon its passage.

Approved April 9, 1861.

[1862, 126; 1863, 116; 1868, 145.]

[1861, 137.]

AN ACT to extend the Railroad of the Old Colony and Fall River Railroad Company to the Line of the State of Rhode Island, and for other Purposes.

Chap. 156

Be it enacted, &c., as follows:

SECTION 1. The Old Colony and Fall River Railroad Company are hereby authorized to extend, locate, construct and maintain a railroad from a point at or near the present terminus of its track in Fall River, in a southerly direction, to the line of the state of Rhode Island, to connect with a railroad to be constructed from Newport, in the state of Rhode Island, to the line of the state of Massachusetts, and for that purpose shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the General Statutes relating to railroad corporations: *provided, however*, if said railroad track shall be located across the pond or reservoir in Fall River, from which water is supplied to the American Print Works and the Linen Mills, the same shall be constructed upon a pile bridge, and not upon a solid structure.

Extension, construction and location.

Powers and duties.

Proviso.

SECTION 2. No part of the present reserved funds of said Old Colony and Fall River Railroad Company, shall be appropriated to build the extension hereby authorized, or to build any portion of the road in Rhode Island. The capital stock of said corporation may be increased not to exceed two thousand shares, when and as the directors thereof shall, from time to time, determine; and no share shall be issued by said corporation unless the sum of one hundred dollars is paid therefor.

Reserved funds.

Increase of capital.

Value of shares.

SECTION 3. The Old Colony and Fall River Railroad Company is hereby authorized to enter upon and connect with any railroad authorized by the legislature of Rhode Island to be built from Newport to the state line of Massachusetts, and shall have all the powers, rights and privileges, in reference to said connection with said railroad in Rhode Island, as are provided by law for railroads entering upon and connecting with each other in this Commonwealth.

Connection with other roads.

SECTION 4. The Old Colony and Fall River Railroad Company shall, if required by the Bay State Steamboat

Transfers of freight.

Company, deliver to said last named corporation, at Fall River, all articles of freight received by said railroad corporation for transport and to be sent to New York by said Steamboat Company, unless otherwise specially ordered by the owners thereof.

Limit of time for location, building, &c.

SECTION 5. Unless the extension of the Old Colony and Fall River Railroad Company hereby authorized is located within two years from the first day of April next, and built and completed within four years from said first day of April next, and unless this act is accepted by said corporation at a meeting of the stockholders called for that purpose, this act shall be void.

SECTION 6. This act shall take effect upon its passage.

Approved April 9, 1861.

[1862, 149; 1863, 238; 1864, 18; 1865, 102; 1866, 97; 1867, 74, 170, 201, 271; 1868, 122, 189.]

[1789, 29; 1815, 54.]

Chap. 157 AN ACT for the Regulation of the Fisheries in the Town of Winchester. *Be it enacted, &c., as follows:*

Provisions of Act for preservation of fish in Mystic River and Woburn extended.

SECTION 1. The provisions of the act passed on the sixteenth day of February, in the year of our Lord one thousand seven hundred and eighty-nine, entitled "An Act to prevent the destruction of the fish called shad and alewives in Mystic River, so called, within the towns of Cambridge, Charlestown and Medford, and for repealing all laws heretofore made for that purpose," and also the provisions of the act passed on the second day of February, in the year of our Lord one thousand eight hundred and sixteen, entitled "An Act for the regulation of the fishery in Woburn," shall extend to the town of Winchester, in the county of Middlesex, and to all the streams therein running from any of the ponds or other waters there into Mystic Pond, so called.

Election and powers of committee.

. SECTION 2. "The Committee for the preservation of Fish," in the town of Winchester, may be elected either in the month of March or April, annually, and they shall be invested with all the powers and authority conferred by the acts aforesaid on the committees of the several towns therein mentioned.

Construction of act.

SECTION 3. Nothing in this act shall be construed to repeal, modify, or affect any of the provisions of the act entitled "An Act to supply the city of Charlestown with pure water," approved March twenty-eight, one thousand eight hundred and sixty-one.

SECTION 4. This act shall take effect upon its passage.

Approved April 9, 1861.

[1864, 234.]

[1854, 60, 129; 1856, 262; 1857, 264; 1860, 88.]

AN ACT to abolish the Police Court in Milford.

Chap. 158

Be it enacted, &c., as follows :

SECTION 1. So much of the one hundred and sixteenth chapter of the General Statutes, as relates to the establishment of a judicial district in the town of Milford under the jurisdiction of a police court, is hereby repealed.

Repeal.

SECTION 2. All matters, pending before said court at the time when this act shall take effect, shall be heard and determined by the present judge of said court, who shall be entitled to the same fees accruing thereafter as would in such cases belong to a trial justice or justice of the peace having jurisdiction in like matters; and if for any reason said judge shall fail to consider and determine such matters, they shall be heard and determined by the trial justice residing nearest to said Milford, or by a trial justice in said town of Milford, if any such shall reside therein.

Unfinished business of court.

SECTION 3. This act shall take effect whenever a majority of the legal voters of the town of Milford, present and voting at a meeting duly warned and called for that purpose, before the first day of July next, shall by ballot vote to accept the same.

Act to be accepted by legal voters.

Approved April 9, 1861.

[1864, 70.]

AN ACT to authorize J. I. Hillard and Job B. French to extend their Wharf.

Chap. 161

Be it enacted, &c., as follows :

J. I. Hillard and Job B. French are hereby authorized to extend their wharf in the city of Fall River, of the same width as it is now constructed, into Mount Hope Bay for the distance of three hundred feet beyond its present limits by lines parallel with the line of Rodman's Wharf, so called, in said city; and they shall have the right to lay vessels at said wharf, and to receive dockage and wharfage therefor: *provided*, that this grant shall in no wise impair the legal rights of any person.

In Fall River.

Wharfage and dockage. Proviso.

Approved April 9, 1861.

AN ACT to incorporate the Phillips Wharf Corporation.

Chap. 169

Be it enacted, &c., as follows :

SECTION 1. Willard P. Phillips, Stephen H. Phillips, George W. Phillips, their associates and successors, are hereby made a corporation, by the name of the Phillips Wharf Corporation, with power to purchase and hold in fee simple or otherwise, any part or the whole of the estate extending from Derby Street in Salem, to Salem Harbor, and now owned by said Willard P. Phillips, with all the

Corporators.

Name.

Powers and duties.

privileges and appurtenances to the same belonging, and all the rights of every kind now vested in said Willard P. Phillips, as owner of such wharf. And said corporation may improve and manage said estate for mercantile purposes, in such manner as they shall deem expedient, and may sell and convey the same or any part thereof, and may purchase any other real estate, that may be expedient for the beneficial enjoyment of their property: *provided*, that nothing herein contained shall authorize the said corporation to infringe upon the legal rights of any person, or to build any wharf or other structure on the premises which is not now authorized by the one hundred and eleventh chapter of the acts of the year one thousand eight hundred and forty-seven, or otherwise by the laws of the Commonwealth.

Proviso.

Shares.

Assessments.

SECTION 2. Said corporation may, at any legal meeting, agree upon the number of shares, not exceeding three thousand, into which their stock shall be divided, and may, from time to time, assess upon the stockholders such sums of money, not exceeding in the whole one hundred dollars on each share, as may be necessary for the purchase, improvement and management of their estate, and may, in case any stockholder shall neglect to pay any such assessment, cause such of the shares of such stockholder as may be sufficient therefor to be sold, in such manner as the said corporation by their by-laws may determine.

Powers and duties.

SECTION 3. Said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, contained in the sixty-eighth chapter of the General Statutes.

To continue in force twenty years.

SECTION 4. This act shall take effect upon its passage, and shall continue in force for the term of twenty years, unless sooner repealed.

Approved April 10, 1861.

[1852, 271.]

Chap. 175

AN ACT to amend "An Act to incorporate the Sailors' Snug Harbor of Boston."

Be it enacted, &c., as follows:

\$250,000 in real and personal estate.

SECTION 1. The act to incorporate the Sailors' Snug Harbor of Boston, passed the twentieth day of May, in the year one thousand eight hundred and fifty-two, is so far amended as to allow said corporation to hold real and personal property not to exceed in value at any one time, the sum of two hundred and fifty thousand dollars.

Amount.

SECTION 2. This act shall take effect upon its passage.

Approved April 10, 1861.

[1860, 137.]

AN ACT to authorize the Transfer of certain Flats in Boston Harbor. *Chap. 176*
Be it enacted, &c., as follows :

SECTION 1. The governor and council are hereby authorized to appoint three commissioners, who may sell, or lease, for such term of years as they may deem expedient, under the provisions of the one hundred and third chapter of the resolves of the year eighteen hundred and fifty-nine, to the Boston and Maine Railroad Company, or to the Eastern Railroad Company, for the purposes of widening the bridges of the said companies, across Charles River, all the flats within the area lying easterly of a line running through the centre of what was a dock between land of the Boston and Maine Railroad Company, and the Eastern Railroad Company, northerly of Causeway Street, in Boston.

Commissioners
may be appointed
by governor to
sell or lease flats.

SECTION 2. The conditions of sale, or lease, shall provide that the said widening shall be on piles driven in extension of the present line of piles, and that the said railroad company or companies shall make compensation for the water displaced by said piles by excavation from the flats or marshes, between high and low-water mark, above this improvement, in a place, and in such a time, and to such an extent, as shall be approved of by the committee on the harbor of the city of Boston, and a commissioner to be appointed by the governor and council; said commissioner to be paid by the said railroad company or companies such compensation as the governor and council shall direct.

Conditions of
sale, &c.

SECTION 3. For the purposes of this act the restrictions of the one hundred and third chapter of the resolves of the year eighteen hundred and fifty-nine, inconsistent with the provisions of this act, are hereby suspended.

Repeal.

Approved April 10, 1861.

[1864, 815.]

AN ACT to confirm and establish the Organization of the Vine Street Congregational Society in Roxbury. *Chap. 178*

Be it enacted, &c., as follows :

SECTION 1. The proceedings by which Henry Hill and others associated themselves together as a parish or religious society, and formed the Vine Street Congregational Society in Roxbury, on the eighteenth day of April, in the year of our Lord eighteen hundred and fifty-seven, and the proceedings of said society, in its further organization, on the twenty-ninth day of said April, are hereby ratified and confirmed, and said society recognized, established and confirmed, as a parish or religious society, with all the powers and privileges, and subject to all the restrictions, liabilities

Confirmation of
organisation.

Powers and du-
ties.

and duties, of such societies, under the laws of this Commonwealth.

SECTION 2. This act shall take effect upon its passage.

Approved April 10, 1861.

[1857, 25; 1860, 208.]

Chap. 179 AN ACT to amend "An Act to incorporate the Fall River and Warren Railroad Company."

Be it enacted, &c., as follows:

Time for location
and construction
extended.

The time limited in the fifth section of the act approved March seventeenth, eighteen hundred and fifty-seven, entitled "An Act to incorporate the Fall River and Warren Railroad Company," within which the location of said railroad should be filed, is hereby further extended to the first day of July, eighteen hundred and sixty-two, and the time in said section limited, within which said road should be constructed and completed with at least one track, is hereby extended to the first day of July, in the year eighteen hundred and sixty-four.

Approved April 10, 1861.

[1863, 5; 1864, 178, 309; 1865, 51, 71.]

[1836, 128; 1838, 181; 1841, 120; 1845, 203; 1846, 35; 1847, 82; 1851, 320; 1852, 261; 1856, 207.]

Chap. 182 AN ACT in relation to Sealing Weights and Measures in the City of Lowell.

Be it enacted, &c., as follows:

Sealer to visit
delinquents and
make adjust-
ment.

SECTION 1. The sealer of weights and measures for the city of Lowell is authorized and required to go to the houses, stores, and shops of all persons within the said city of Lowell using weights and measures, for the purpose of buying and selling, as shall neglect to bring in their measures, weights, balances, scales and beams, to be adjusted and sealed, and there at the said houses, stores and shops, and having entered the same with the assent of the occupant thereof, to adjust and seal the same, or to send the same to his office to be adjusted and sealed; and shall be entitled to receive therefor double the fees provided by law for the same service, if they had been brought in to be adjusted and sealed, with all expenses attending the removal of the same.

Entitled to dou-
ble fees.

Penalty for refus-
ing to have
weights, &c.,
sealed.

SECTION 2. If any such person shall refuse to have his weights, balances, scales or beams so tried, adjusted and sealed, the same not having been tried, adjusted and sealed within one year preceding such refusal, he shall forfeit ten dollars for each offence, one-half to the use of the city, and one-half to the use of the sealer of weights and measures.

Penalty for alter-
ation and fraud-
ulent use.

SECTION 3. If any person shall alter any weight, balance, scale or beam, after the same shall have been adjusted and

sealed, so that the same thereby shall not conform to the public standard, and shall fraudulently make use of the same, he shall forfeit for each offence the sum of ten dollars, one-half to the use of the city, and one-half to the use of the complainant.

SECTION 4. The city council of the city of Lowell may, by ordinance, provide that the sealer of weights and measures for said city be paid by a salary, and that he pay the fees received by him, by virtue of his office, into the city treasury. City may provide salary for sealer.

SECTION 5. The mayor and aldermen of the city of Lowell are authorized to remove the sealer of weights and measures at any time they may see fit. Tenure of office.

SECTION 6. This act shall take effect when it shall have been accepted by the city council of Lowell. Act to be accepted.

Approved April 10, 1861.

[N. H., 1830, 56; 1861, 88.]

AN ACT to incorporate the Massachusetts Institute of Technology, and to grant Aid to said Institute and to the Boston Society of Natural History. Chap. 183

Be it enacted, &c., as follows :

SECTION 1. William B. Rogers, James M. Beebe, E. S. Tobey, S. H. Gookin, E. B. Bigelow, M. D. Ross, J. D. Philbrick, F. H. Storer, J. D. Runkle, C. H. Dalton, J. B. Francis, I. C. Hoadley, M. P. Wilder, C. L. Flint, Thomas Rice, John Chase, J. P. Robinson, F. W. Lincoln, Jr., Thomas Aspinwall, J. A. Dupee, E. C. Cabot, their associates and successors, are hereby made a body corporate by the name of the Massachusetts Institute of Technology, for the purpose of instituting and maintaining a society of arts, a museum of arts, and a school of industrial science, and aiding generally, by suitable means, the advancement, development and practical application of science in connection with arts, agriculture, manufactures and commerce; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the sixty-eighth chapter of the General Statutes. Corporators.
Name.
Powers and duties.

SECTION 2. Said corporation, for the purposes aforesaid, shall have authority to hold real and personal estate to an amount not exceeding two hundred thousand dollars. Real and personal estate.

SECTION 3. One certain square of state land on the Back Bay, namely, the second square westwardly from the Public Garden, between Newbury and Boylston Streets, according to the plan reported by the commissioners on the Back Bay, February twenty-one, eighteen hundred and fifty-seven, shall Reservation of land on Back Bay.

be reserved from sale forever, and kept as an open space, or for the use of such educational institutions of science and art as are hereinafter provided for.

Organization of
Institute to entitle
it to hold land.

SECTION 4. If at any time within one year after the passage of this act, the said Institute of Technology shall furnish satisfactory evidence to the governor and council that it is duly organized under the aforesaid charter, and has funds subscribed, or otherwise guaranteed, for the prosecution of its objects, to an amount at least of one hundred thousand dollars, it shall be entitled to a perpetual right to hold, occupy and control, for the purposes herein before mentioned, the westerly portion of said second square, to the extent of two third parts thereof, free of rent or charge by the Commonwealth, subject nevertheless, to the following stipulations, namely: persons from all parts of the Commonwealth shall be alike eligible as members of said institute, or as pupils for its instruction; and its museum or conservatory of arts, at all reasonable times, and under reasonable regulations, shall be open to the public; and within two years from the time when said land is placed at its disposal for occupation, filled and graded, said institute shall erect and complete a building suitable to its said purposes, appropriately inclose, adorn and cultivate the open ground around said building, and shall thereafter keep said grounds and building in a sightly condition.

Conditions.

Society of Natural
History, powers
defined.

SECTION 5. The Boston Society of Natural History shall be entitled to hold, occupy and control, for the objects and purposes for which said society was incorporated, and which are more fully set forth in its constitution and by-laws, the easterly portion of said second square, to the extent of one-third part thereof: *provided*, that the said society shall, within two years from the time when said portion of land is placed at its disposal for occupation, filled and graded, erect a building suitable to said objects and purposes, and appropriately inclose, plant and adorn the open ground around said building, and shall thereafter keep said grounds and building in a neat and ornamental condition.

Proviso.

Buildings and
grounds to be
approved by gov-
ernor and coun-
cil.

SECTION 6. The rights and privileges given in the last two sections, are granted subject to these further conditions following, namely: All buildings whatsoever, which may be erected by either of the herein-named institutions upon any portion of said second square, shall be designed and completed, the grounds surrounding said buildings inclosed, laid out and ornamented, and the said buildings and grounds kept and maintained in a manner satisfactory to the governor

and council ; and in case either of the said institutions shall, after due notice given, neglect to comply with the requirements of this section, or fail to use its portion of said square, or at any time appropriate said portion, or any part thereof, to any purpose or use foreign to its legitimate objects, then the right of said delinquent institution to the use, occupation or control of its portion of said square shall cease, and the Commonwealth, by its proper officers and agents, shall have the right forthwith to enter and take possession of the portion of land so forfeited.

Failure to observe conditions to operate for-
feiture of land.

SECTION 7. The above named societies shall not cover with their buildings more than one-third of the area granted to them respectively.

Limitation in building.

SECTION 8. The commissioners on the Back Bay are hereby instructed to reserve from sale the lots fronting on said square on Boylston, Clarendon and Newbury Streets, until said societies shall, by inclosure and improvements, put said square in a slightly and attractive condition.

Commissioners on Back Bay to reserve lots, until, &c.

SECTION 9. Upon the passage of this act, the governor, with the advice and consent of the council, shall appoint three disinterested persons, who shall appraise the value of all the lands specified in the third and eighth sections of this act, and make a return of said appraisal to the governor and council ; and if when the lands mentioned in section eight shall have been sold, the proceeds of such sales shall not be equal to the whole amount of the appraisal above mentioned, then the societies named in this act shall pay the amount of such deficit in to the treasury of the Commonwealth, for the school fund, in proportion to the area granted to them respectively.

Governor to appoint appraisers of lands.

SECTION 10. This act shall be null and void, unless its provisions shall be accepted within one year, by the Massachusetts Institute of Technology, and the Boston Society of Natural History, so far as they apply to those societies respectively.

Act to be accepted.

Approved April 10, 1860.

[1862, 142; 1863, 186, 226; 1865, 220; 1868, 247.]

AN ACT to incorporate the Mutual Protection Fire Insurance Company. *Chap. 185*
Be it enacted, &c., as follows :

SECTION 1. G. Washington Warren, Phineas J. Stone, Luther V. Bell, James F. Dwinell and Moses B. Sewell, their associates and successors, are hereby made a corporation by the name of the Mutual Protection Fire Insurance Company, to be established in the city of Charlestown, for the purpose of making insurance against losses by fire on

Corporators.

Name.

Location.

Powers and duties.

buildings and personal property ; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the fifty-eighth chapter of the General Statutes, and to all other laws applicable to insurance companies.

When policies may issue.

SECTION 2. Said corporation shall not issue any policies until insurance to the amount of three hundred thousand dollars be subscribed for.

Approved April 10, 1861.

[1864, 38.]

Chap. 187

AN ACT in relation to the Rhode Island Boundary.

Be it enacted, &c., as follows :

Decree of S. J. Court U. S. to be final.

SECTION 1. Whenever the proceeding in equity between this Commonwealth and the state of Rhode Island and Providence Plantations, now pending in the supreme court of the United States, shall be adjusted by the adoption of a conventional line, and such line shall have been confirmed by a final decree of said court, the said line shall be taken and deemed to be, for all purposes affecting the jurisdiction of this Commonwealth, or of any department of its government, the true line of boundary and demarkation between this Commonwealth and the state of Rhode Island and Providence Plantations.

Territory declared portion of Fall River, defined.

SECTION 2. The territory upon the east side of Mount Hope Bay, which lies south of the line beyond which the jurisdiction of this Commonwealth has not recently been exercised, (except so much as by this act is assigned to the town of Westport,) but which by the adoption of said decree of confirmation, shall be determined to be a part of this Commonwealth, with all the polls and estates thereon, shall be taken and deemed to be a portion of the city of Fall River in the county of Bristol, with the same effect as if the jurisdiction claimed over the same by this Commonwealth had been actually exercised.

City council to divide city into six wards.

SECTION 3. The city council of Fall River shall, within sixty days after said final decree of confirmation shall have been entered, divide the said city (including as well that portion over which jurisdiction has been exercised hitherto by said state of Rhode Island and Providence Plantations, as that over which jurisdiction has been exercised by this Commonwealth,) into six wards, as nearly equal as may be, in population, and shall determine the number of common councilmen to which each ward shall be entitled: *provided*, that the whole number of common councilmen shall not exceed eighteen. Each ward, so constituted, may choose such officers (other than common councilmen,) as each

Proviso.

ward of said city may now choose. The aforesaid division, into wards, shall take effect at the next annual municipal election, after the same shall have been made, until which time, that portion of said city hitherto claimed to be a part of the state of Rhode Island and Providence Plantations, shall be deemed to be a part of the first ward of said city.

Division, when to take effect.

SECTION 4. That portion of territory lying east and south of the following described line, that is to say, beginning at the north-west corner of the town of Westport, according to the present actual exercise of jurisdiction; thence running due west to a point in North Watuppa Pond, equidistant from the eastern and western shores thereof; thence southerly to the southern extremity of said pond; thence in a straight line through South Watuppa Pond to its southern extremity; thence through the centre of the stream connecting said pond with Sawdy Pond; thence through Sawdy Pond in a straight line to its southern extremity; thence in a straight line to a stone monument in the ground near the house of Joseph Sanford, opposite Nanaqwaket, with all the polls and estates thereon, shall from and after the entry of the said decree of confirmation, be taken and deemed to be a part of the town of Westport, in the county of Bristol, and of the seventeenth school district in said town.

Territory declared portion of Westport, defined.

SECTION 5. So much of the territory over which the inhabitants of Seekonk may have claimed or exercised actual jurisdiction, which shall be found to lie eastwardly of said conventional line, shall, from and after the entry of said final decree, be taken and deemed to be the town of Seekonk, in all questions affecting the rights of such town, or of its inhabitants; and such inhabitants shall continue to hold to their own corporate use all the corporate property of every description, hitherto held or claimed by the inhabitants of Seekonk, except such real estate as shall be found on the western side of said conventional line, and shall be subject to all the debts and liabilities of such town, except such as have been or may be incurred for the support of any paupers having a settlement in, or derived from a settlement obtained in that portion of territory lying westwardly of said conventional line.

Seekonk, boundary established.

Rights of citizens.

SECTION 6. The several school districts of the town of Seekonk, lying wholly or in part on the easterly side of said conventional line, shall cease to exist upon the confirmation of such line, and authority is hereby given to the inhabitants of such town, residing upon the eastwardly side of said

School districts, reconstruction authorized.

conventional line, to assemble together as a body corporate, in anticipation of the entry of a decree of the court as aforesaid, and provide for a new division of the territory into school districts; such new division to take effect upon the entry of such decree of the court. Such meeting may be called by any justice of the peace within the county of Bristol, upon the petition of any five qualified voters, resident upon the territory aforesaid, and the warrant for the same shall be directed to any one of said petitioners. The school-houses, land, apparatus, and other property, owned and used for school purposes, by any school district, which lies wholly or in part upon the eastern side of said conventional line, shall upon the entry of the decree of confirmation, become the property of the town of Seekonk, and may be lawfully sold and conveyed to any school district which may be afterwards organized under the authority of this act. All property taken from each school district shall be forthwith appraised, and there shall be remitted to the tax-payers of each district the appraised value of its property thus taken; or the difference in the value of the property in the several districts may be adjusted in any other manner agreed upon by the parties in interest.

Property defined. SECTION 7. So much of the town of Pawtucket as lies eastwardly of the eastern side of Farmers' or Seven Mile River, with the polls and estates thereon, shall, from and after the entry of such final decree of confirmation, be set off to, and become a part of the town of Seekonk: *provided*, that until the next decennial apportionment of representatives in the general court, all legal voters resident thereon shall be entitled to vote for representatives with the town of Attleborough; and the selectmen of the last named town shall cause check lists to be prepared, and shall receive the votes of all such qualified voters for representatives, as aforesaid, but for no other officers.

Appraisal required. SECTION 8. Nothing in this act shall be construed to deprive any members of any religious society in the present town of Seekonk of their interest in the property of such religious society, or in any property held in trust for said society, or for the support of public worship therein, or to relieve any member of said society from any liability for any indebtedness therefor, but the rights and liabilities of all members and officers of such religious societies are hereby declared to be the same as if this act had not been passed, and such decree of confirmation had not been entered: *provided*, that this section shall not be construed to impair the authority of the laws of said state of Rhode Island and

Portion of Pawtucket annexed to Seekonk.

Proviso.

Rights of religious societies to be preserved.

Proviso.

Providence Plantations, in regard to the mode of transacting business, the election of officers, or other matters not affecting the rights of property of said religious society or the members thereof.

SECTION 9. Neither of the towns of Seekonk or Rehoboth shall be held liable, after the entry of said final decree of confirmation, for the support of any pauper having a settlement obtained in that portion of territory upon the western side of said conventional line, over which either of the towns of Seekonk or Pawtucket now exercises jurisdiction. Paupers.

SECTION 10. Upon the establishing of said line, as aforesaid, the inhabitants residing in any territory heretofore within the actual jurisdiction of said state of Rhode Island, and which shall thereby fall within the jurisdiction of this Commonwealth, shall thenceforth be taken and deemed to be inhabitants of this Commonwealth, entitled to the same rights, privileges and immunities, in their persons, property and estates, and in the exercise of the elective franchise, and subject to the same duties and burdens, as other like conditioned inhabitants of this Commonwealth, according to the constitution and laws thereof; and they, their heirs and assigns, shall forever thereafter continue to hold and enjoy all former grants and purchases, granted by or made within said state, to all intents and purposes as if such territory were lying and continuing within said state; and all railroad and other incorporated companies, by whatsoever name incorporated or known, located within such territory, and electing to remain therein, shall continue to hold, exercise and enjoy their respective corporate rights and franchises, as far as is not repugnant to the laws of this Commonwealth, upon an equal basis with like incorporated companies therein. Enfranchisement of citizens.

Corporate rights confirmed.

Approved April 10, 1861.

[1862, 2, 48, 105, 153.]

[1854, 444; 1856, 260; 1857, 211, 216; 1858, 15.]

AN ACT concerning the Broadway Railroad Company.

Chap. 188

Be it enacted, &c., as follows:

SECTION 1. The mayor and aldermen of the city of Boston, are authorized to extend the location of the tracks of the Broadway Railroad Company, upon and over such streets, bridges and highways in said city, as may from time to time be fixed and determined by said mayor and aldermen, and assented to, in writing, by said company; and said company is authorized to construct, maintain and use, any tracks which may be so located, and in relation thereto shall have all the powers and privileges, and be subject to Extension of tracks authorized.

Conditions.

Powers and duties.

all the duties, liabilities and restrictions, which they would have had or been subject to, if such tracks had been authorized and located under the act by which said company was incorporated.

May connect with other roads.

SECTION 2. Said company is authorized to connect with, use and run over with its cars and horses, such other railroads in said city, as may from time to time be fixed and determined by the mayor and aldermen aforesaid, but only for the purpose of carrying, by one convenient and proper route, passengers to and from South Boston and Scollay's building; the compensation to be paid for the use of such other road, to be ascertained in the mode and manner prescribed in the second section of the act entitled "An Act concerning the Broadway Railroad Company," approved May twenty-third, in the year one thousand eight hundred and fifty-seven.

SECTION 3. This act shall take effect upon its passage.

Approved April 10, 1861.

[1862, 175; 1865, 21; 1867, 294; 1868, 241.]

[1857, 285; 1859, 3; 1860, 207.]

Chap. 191

AN ACT concerning the Suffolk Railroad Company.

Be it enacted, &c., as follows:

Extension of tracks authorized.

SECTION 1. The board of aldermen of the city of Boston may extend the location of the tracks of the Suffolk Railroad Company, over and upon such streets and highways of said city, north of the southerly line of Kneeland, Eliot or Boylston Streets, as may from time to time be fixed and determined by said board, with the consent in writing of said company; and said company may construct, maintain and use such tracks as have been heretofore or may be hereafter located by said board; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, in reference thereto, set forth in the act by which said company was incorporated.

Powers and duties.

May connect with Metropolitan tracks.

SECTION 2. Said board of aldermen may from time to time, authorize said company to enter upon and use the tracks of the Metropolitan Railroad Company, north of said southerly lines of said Kneeland, Eliot or Boylston Streets, subject to such regulations, as to the manner of such use, as may from time to time, be made by said board, for such annual compensation, to be paid by said Suffolk Railroad Company to said Metropolitan Railroad Company, as may be mutually agreed upon, or in case of disagreement, as may be fixed by three commissioners to be appointed by the supreme judicial court, in the manner, and with the powers,

Conditions.

so far as relates to determining such compensation, provided in section one hundred and seventeen of the sixty-third chapter of the General Statutes.

SECTION 3. This act shall take effect upon its passage.

Approved April 10, 1861.

[1862, 175.]

[Special Laws, vol. 2, p. 528; vol. 3, p. 40; 1830, 1; 1843, 27; 1848, 150; 1857, 223.]

AN ACT concerning Neponset Bridge.

Chap. 192

Be it enacted, &c., as follows:

SECTION 1. The county commissioners for the county of Norfolk, in addition to the power given them by chapter two hundred and twenty-three, of the acts of the year eighteen hundred and fifty-seven, and the act of the present session incorporating the Quincy Railroad Company, are authorized, as trustees of Neponset Bridge, to widen or reconstruct said bridge, and alter and improve the draw thereof, within the lines of location established by the original charter or the lines adopted by the commissioners in the laying out of the bridge and turnpike, although beyond the limits of the present structure of said bridge, and are authorized to fill and make solid the bridge, not obstructing any channel.

County commis-
sioners may re-
construct.

SECTION 2. Said trustees may, by an order entered upon their records, determine the amount of the fund to be accumulated, under and pursuant to the act contained in chapter two hundred and twenty-three of the acts of the year eighteen hundred and fifty-seven, (said amount to be not less than fifteen thousand dollars,) and upon said funds being accumulated, the bridges shall be free from tolls: *provided*, that said tolls shall be renewed from time to time whenever the fund shall be inadequate to the repair and maintenance of said bridges.

Limitation of
fund and free-
dom of bridge.

Proviso.

SECTION 3. The said commissioners as trustees, in addition to the power given them by the act incorporating the Quincy Railroad Company, are hereby required on the location of said company's road over said bridge, to fix the reasonable tolls to be paid by said company, which tolls may be commuted by payments, at stated times or in gross.

Commissioners to
fix railroad tolls
over bridge.

SECTION 4. This act shall take effect upon its passage.

Approved April 10, 1861.

[1863, 88.]

[1838, 9; 1839, 50, 70; 1841, 131; 1844, 6, 33; 1845, 72; 1847, 266; 1850, 189; 1851, 300.]

AN ACT relating to certain Investments of the Western Railroad Sinking Fund.

Chap. 193

Be it enacted, &c., as follows:

SECTION 1. The commissioners of the Western Railroad Sinking Fund shall cancel the bonds of this Commonwealth,

Commissioners to
cancel bonds.

and the coupons annexed, for the redemption of which said fund is provided, and which have been or may hereafter be purchased by said commissioners in the investment of moneys belonging to said fund: *provided*, the Western Railroad Corporation shall execute and deliver to the said commissioners an agreement, under seal, to pay to said commissioners whatever interest may thereafter accrue upon any bond, so procured and cancelled, to the time of its maturity; said agreement to be approved by the attorney-general.

Proviso.

Treasurer of Commonwealth to have custody of cancelled bonds.

SECTION 2. The treasurer of the Commonwealth shall keep a record of all bonds so cancelled, and shall retain the custody of the same as representing so much of the investments of said fund, to be surrendered at the time of maturity to the Commonwealth, in fulfilment of the purposes for which said fund was established.

Investment of moneys in railroad stocks.

SECTION 3. In addition to the securities named in chapter one hundred of the acts of the year eighteen hundred and fifty-eight, the moneys belonging to said Western Railroad Sinking Fund may be invested in the stocks of any railroad corporation in this state whose road is completed, whose capital has been wholly paid in, and whose road and property are unincumbered, and which has earned dividends of at least six per cent. per annum for three years next preceding such investment: *provided*, that not more than twenty per cent. thereof shall at any one time be so invested in said railroad stock, and not more than seven per cent. thereof in the stock of any one of said railroad corporations, and no investment shall be made in the stock of said Western Railroad Corporation.

Investments in other securities.

SECTION 4. The moneys belonging to said sinking fund may also be invested in such securities as the deposits in savings banks of this Commonwealth are now authorized to be invested in by the one hundred and forty-second and one hundred and forty-third sections of the fifty-seventh chapter of the General Statutes; subject to the same restrictions as to amount, in proportion to the whole fund to be invested in any one kind of security, as are applicable to savings banks.

SECTION 5. This act shall take effect upon its passage.

Approved April 10, 1861.

[1866, 126, 300; 1867, 76, 170; 1868, 319.]

Chap. 196

AN ACT to incorporate the Vineyard Sound Railroad Company.
Be it enacted, &c., as follows:

Corporators.

SECTION 1. Oliver C. Swift, William Nye, junior, Elijah Swift, George Marston, Sylvanus B. Phinney, Silas J. Bourne, their associates and successors, are hereby made

a corporation by the name of the Vineyard Sound Railroad Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, contained in the sixty-third chapter of the General Statutes, and to all other general laws that have been or shall hereafter be passed, relative to railroad corporations.

SECTION 2. Said corporation is hereby authorized and empowered to locate, construct and maintain a railroad, with one or more tracks, commencing at a point in the town of Sandwich near the Monument station of the Cape Cod Railroad Company, thence running in a southerly direction through the villages of Monument and Pocasset, in Sandwich and North Falmouth and West Falmouth, in Falmouth, to a point near the village of Falmouth, and thence south-westerly to tide-water at Wood's Hole, in said Falmouth, with the right to build, and maintain, in tide-water, at Wood's Hole, such wharf or wharves as may be necessary to the convenient transaction of business and transshipment of freight or passengers at that place.

SECTION 3. The capital stock of said corporation shall be three hundred thousand dollars, divided into shares of one hundred dollars each; and no assessment shall be levied thereon of a greater amount than one hundred dollars a share, and no shares shall be issued for a less sum, to be actually paid in, than the par value of the shares which shall be first issued.

SECTION 4. Said company are hereby authorized to enter upon and unite their railroad with the railroad of the Cape Cod Railroad Company at or near Monument station, and to use the railroad of said Cape Cod Railroad Company upon the terms provided by the general laws of the Commonwealth.

SECTION 5. This act shall be void if the location of the railroad herein authorized shall not be filed with the county commissioners of the county of Barnstable within three years, and if said railroad is not completed within five years after the passage of this act.

SECTION 6. This act shall take effect upon its passage.

Approved April 11, 1861.

[1865, 104; 1867, 102; 1868, 86, 122.]

[1814, 39; 1816, 40; 1819, 65; 1850, 257; 1856, 182; 1859, 154, 208.]

AN ACT to repeal the Fourth Section of the one hundred and fifty-fourth Chapter of the Acts of the year one thousand eight hundred and fifty-nine.

Be it enacted, &c., as follows:

SECTION 1. The fourth section of chapter one hundred and fifty-four of the acts of the year one thousand eight hundred and fifty-nine is hereby repealed.

Name.

Powers and duties.

Location and construction.

Capital stock and shares.

May unite with Cape Cod Company.

Location to be filed in three years and road built in five years.

Repeal.

Chap. 201

Commissioners
on public lands
to confer with
corporation con-
cerning continu-
ance of tolls, &c.

Income.

Surplus.

Proviso.

SECTION 2. The commissioners on public lands are hereby authorized to make such arrangements with the Boston and Roxbury Mill Corporation, and with any cities and towns or other corporations or parties interested, respecting a continuance of the tolls on the Mill-dam, and the roads and bridges connected therewith, the fee of which vested in the Commonwealth by its indenture with the Boston and Roxbury Mill Corporation, hereinafter mentioned, and more particularly specified in a further indenture with the said Boston and Roxbury Mill Corporation, executed on the thirtieth day of December, in the year eighteen hundred and fifty-six, and in regard to any rights and easements therein, and in regard to the acceptance of the same as highways by said cities and towns, as they may deem suitable and proper, and shall have authority to execute all necessary instruments to carry such arrangements into effect, subject to the approval of the governor and council; and out of any income derived from such tolls, they shall keep in suitable repair, the Mill-dam, cross dam and roads and bridges connected therewith, whenever said dams, roads and bridges, shall come into the power and control of the Commonwealth by virtue of the indenture between the Commonwealth and the Boston and Roxbury Mill Corporation, made and concluded the ninth day of June, in the year eighteen hundred and fifty-four, or otherwise; and any surplus, not required for such repairs, shall be paid into the treasury of the Commonwealth, to be kept as a separate fund for the same purposes: *provided*, that such tolls shall cease, whenever the said ways and bridges are accepted and duly laid out as highways, by the proper authorities, and not sooner.

Approved April 11, 1861.

[1861, 57.]

Chap. 202 AN ACT in addition to an Act to incorporate the Agricultural Branch Railroad Company.

Be it enacted, &c., as follows:

Branch road in
Marlborough au-
thorized.

Powers and du-
ties.

SECTION 1. The Agricultural Branch Railroad Company are hereby authorized to locate, construct and maintain a branch railroad, from a point on their railroad near the house of Margaret Newton, in the southerly part of Marlborough, to the end of their track as now laid down, near the town house in Marlborough Centre. And the said Agricultural Branch Railroad Company in locating, building and maintaining said branch railroad shall have all the rights and privileges, and be subject to all the duties,

liabilities and restrictions, contained in the General Statutes pertaining to railroad corporations.

SECTION 2. This act shall take effect upon its passage.

Approved April 11, 1861.

[1862, 124; 1865, 2, 170; 1867, 83, 153; 1868, 189.]

AN ACT to incorporate the Brookline Water Company.

Chap. 205

Be it enacted, &c., as follows :

SECTION 1. Theophilus P. Chandler, William I. Bowditch, William H. Hill, their associates and successors, are hereby made a corporation under the name of the Brookline Water Company, for the purpose of furnishing the inhabitants of Brookline with good water; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the sixty-eighth chapter of the General Statutes.

Corporators.

Name.

Powers and duties.

SECTION 2. The capital stock of the said company shall be fifty thousand dollars, with the right at any time to increase it to one hundred thousand dollars by a vote of a majority of the shares; and the stock shall be divided into shares of one hundred dollars each.

Capital stock and shares.

SECTION 3. The said company may purchase land and water-rights necessary for its objects, and pay therefor wholly or in part in the shares of the company at par.

Real estate.

SECTION 4. The said company may purchase, take and hold the land lying east and south of Pond Avenue, including Willow Pond and Spring Pond, which lie partly in Brookline and partly in West Roxbury, and sufficient land below Willow Pond and adjoining it to make another large pond in an economical manner; and also as much land around the said ponds and the said contemplated pond, as may be necessary for the preservation of the purity of the same, but not exceeding five rods in width; but the said Brookline Water Company shall not take any land within one hundred feet of the land purchased by the Aqueduct Corporation of Giles Alexander, and may purchase and hold a lot of land on Summit Street in the said Brookline whereon to erect reservoirs, with the right to lay underground pipes thereto. The said company shall, within sixty days from the time of taking any such land, file in the office of the register of deeds in the county of Norfolk, a description of the lands so taken, and state the purpose for which it is taken.

May purchase land and ponds and improve same.

Description to be filed with register of deeds.

SECTION 5. The said company may raise or pump the water from any and all of the said ponds into reservoirs on Summit Street; and may, under the direction of the selectmen of Brookline, lay and maintain underground pipes through any of the streets and lanes of the said town, and

May lay pipes, raise water, &c.

through any private, corporate, or public grounds, when necessary, for the purpose of conveying the water from such reservoirs to the citizens of the said town who desire to receive and pay for it.

Damages, how determined.

SECTION 6. All damage sustained by taking land, or otherwise, may be ascertained, determined, and recovered in the manner provided by law in case of land taken for highways. But no proceedings shall be commenced after the lapse of one year after the damage occurred.

Limitation.

Brookline may insert hydrants.

SECTION 7. The town of Brookline shall be allowed the privilege of inserting ten hydrants into the main pipes of the company at such points as the selectmen may indicate, with the right of using the water for the purpose of extinguishing fire and for filling the public reservoirs, but for no other purpose.

Construction of act defined.

SECTION 8. Nothing in this act contained, shall be so construed as to interfere with the chartered rights of the Jamaica Pond Aqueduct Corporation, or to give authority to the said Brookline Water Company to take any lands, ponds, springs, waters, streams, easements, franchises, rights or privileges belonging to the said Jamaica Pond Aqueduct Corporation, incorporated May eighth, eighteen hundred and fifty-seven.

SECTION 9. This act shall take effect upon its passage.

Approved April 11, 1861.

[1862, 211.]

Chap. 206 AN ACT to establish a Law Term of the Supreme Judicial Court at Taunton, within and for the County of Bristol.

Be it enacted, &c., as follows :

Time of holding.

SECTION 1. A law term of the supreme judicial court, for entering and hearing questions of law, civil and criminal, arising in the county of Bristol, shall be held at Taunton annually, on the fourth Tuesday of October.

Purposes defined.

SECTION 2. Said term shall be taken to be a term for the return of process, entry of appeals, trials, and for all purposes for which a court may be held by a single justice in said county; but no jury shall be summoned for said term, unless an order therefor shall be issued by the justices of said court, or one of them, to the clerk of said county.

Approved April 11, 1861.

[1854, 34.]

Chap. 207

AN ACT concerning the Police Court in Haverhill and Bradford.

Be it enacted, &c., as follows :

District defined.

SECTION 1. The judicial district now under the jurisdiction of the police court of Haverhill, is hereby enlarged by

including within the jurisdiction of said court, the town of Bradford.

SECTION 2. The justice of said court shall receive an Salary of justice. annual salary of nine hundred dollars.

SECTION 3. Whenever the said towns of Haverhill and Clerk, when chosen. Bradford, according to the next succeeding state census, shall contain fourteen thousand inhabitants, a clerk of said court shall be chosen at the municipal elections in the towns of Haverhill and Bradford, of the year in which clerks of other police courts shall next thereafter be elected.

SECTION 4. The town clerks of Haverhill and Bradford shall, within three days from the day of an election for said clerk, transmit copies of the records of the votes for said clerk, attested by them, certified by the selectmen of said towns and sealed up, to the justice of the court, and the justice shall examine them, and forthwith transmit to the person who appears to be chosen, a certificate of such choice, under his hand and the seal of said court. Certificate of election.

SECTION 5. If it appears that said district has failed to Failure to elect. elect a clerk, such fact shall be certified by the said justice to the selectmen of said towns, and thereupon a new election shall be held at the next annual town meetings of said towns, and similar proceedings shall be had as at the first trial.

SECTION 6. The duties of the clerk of said court shall Duties of clerk. be the same now prescribed by the General Statutes as the duties of clerks of other police courts; and all the provisions of law now applicable to such clerks, shall apply to this clerk, excepting such as apply only to the police court of Boston, or prescribe the method of election.

Approved April 11, 1861.

[H. 1866, 296; 1867, 316.]

[1860, 100.]

AN ACT in relation to the Police Court of the City of Boston.

Chap. 210

Be it enacted, &c., as follows:

SECTION 1. The governor may, with the advice and consent of the council, appoint and commission two special Special justices, appointment, powers and compensation. justices of the police court of the city of Boston. Either of said special justices may, upon the request of the justice of the police court whose duty it may be in rotation to hold any term of said court, or in case of the sickness or absence of such justice, or a vacancy, then upon the request of the other justices of such court, hold any term thereof; such special justices shall receive no compensation from the Commonwealth, but shall receive from the justice whose duty

they perform a proportionate part of his salary for each day's service.

SECTION 2. This act shall take effect upon its passage.

Approved May 21, 1861.

Chap. 214 AN ACT in relation to the case of Levi Baker *versus* Henry A. Wise, Governor.

Be it enacted, &c., as follows :

Executive may
cause appeal to
S. J. C. of U. S.

SECTION 1. The governor, with the advice of the council, is hereby authorized to take such measures as in his judgment may be necessary, to cause an appeal to be taken from the judgment of the court of appeals of the state of Virginia, in the case of Levi Baker *versus* Henry A. Wise, governor of Virginia, and such measures as he may deem necessary to insure the prosecution of such appeal, before the supreme court of the United States.

SECTION 2. This act shall take effect upon its passage.

Approved May 21, 1861.

Chap. 216 AN ACT to provide for the Maintenance of the Union and the Constitution.

Be it enacted, &c., as follows :

Acts of governor
in furnishing
troops, ratified.

SECTION 1. The contracts, obligations and agreements heretofore made by the governor or the executive council, or any officer or person, with his or their sanction and authority, and all expenditures, payments and disbursements made by the governor or the council, or under his or their authority and direction, for the furnishing of troops for the defence of the United States, or for arming, equipping and disciplining, and for the transportation and subsistence of the militia of this Commonwealth, or in any way connected therewith, are hereby ratified and confirmed, and all acts done by the governor and the council, or under his or their direction, are hereby approved, ratified and confirmed.

Discretionary
power conferred
upon executive.

SECTION 2. The governor, with the advice of the council, is hereby vested with full power and authority to take such measures as may be deemed best to provide for the arming, equipping and disciplining, and for the transportation and subsistence of so much of the military force of this Commonwealth as may, in his judgment, be needed for defending, sustaining and maintaining in its full integrity, the authority of the government of the United States, and the constitution and laws thereof; and to this end he may, with the advice of the council, appoint and commission all needful officers and agents, and may fix their rank and pay.

May appoint
needful officers.

SECTION 3. The governor and council are hereby authorized and empowered to negotiate, adjust and settle all questions, accounts, matters and things between this Commonwealth and the United States, in any way arising from or growing out of the contracts and expenditures in the preceding sections mentioned, and out of the expenditures which may be made under the provisions of any act to provide for the public defence, or for the discipline and instruction of a military force.

Powers to negotiate with United States, conferred.

SECTION 4. The governor, with the advice of the council, is hereby authorized to pay out of the fund created under this act, any of the troops of this Commonwealth which have been or may be mustered into the service of the United States, during the whole or any part of the time of such service, and to make any arrangements for the re-imbursment of such payments out of the treasury of the United States, as may be agreed upon between him and the federal government.

May pay troops and arrange for remuneration with U. States.

SECTION 5. For the purpose of meeting the expenses incurred and to be incurred under this act, and any act to provide for the public defence, or for the discipline and instruction of a military force, in the third section of this act mentioned, there shall be created a fund which shall be called the Union Fund; and the treasurer of the Commonwealth is hereby authorized to issue scrip or certificates of debt, in the name and on behalf of the Commonwealth, and under his signature and the seal of the Commonwealth, to an amount not exceeding three millions of dollars; and the proceeds of such scrip so issued shall be passed to the credit of said Union Fund, and the same is hereby appropriated for the purpose of paying all liabilities incurred or to be incurred under this act and the acts herein mentioned; and the governor is authorized, from time to time, to draw his warrant upon the treasurer for so much as may be needed.

Union Fund, creation of, and issue of scrip authorized.

SECTION 6. Such scrip or certificates of debt shall bear interest not exceeding six per cent. per annum, payable semi-annually, on the first days of January and July in each year, and may be issued at such times and in pieces of such amount, as shall be fixed by the governor and council. All such scrip issued in pieces of five hundred dollars or over, shall have interest warrants attached thereto signed by the treasurer. Scrip for smaller sums shall be issued without such warrants, but bearing interest payable semi-annually on presentment to the treasurer. Such scrip or certificates of debt shall be redeemable in not less than ten nor more than thirty years from the first day of July, A. D.

Interest, rate of and how payable.

Redemption of scrip.

Disposal, treasurer to advertise for proposals.

eighteen hundred and sixty-one, and not more than five hundred thousand dollars shall be redeemable in any one year ; and the same shall be countersigned by the governor, and be deemed a pledge of the faith and credit of the Commonwealth ; the treasurer may, from time to time, dispose of so much of the same as shall be required, under the direction of the governor and council, and for that purpose shall advertise for proposals for so much of the same as may be needed, bearing interest at a rate not exceeding six per cent. per annum.

SECTION 7. This act shall take effect upon its passage.

Approved May 21, 1861.

Chap. 217 AN ACT in addition to an Act to provide for the Maintenance of the Union and the Constitution.

Loyalty affirmed.

Whereas, The people of Massachusetts regard with like feelings of loyalty and affection the government of the United States and that of their own Commonwealth, and deem it fit that the arm of each should be strengthened by all which the other can give :

Emergency contemplated.

And whereas, Some emergency may arise, during the recess of the legislature, in which the aid of Massachusetts may be of service to the general government in its financial arrangements : therefore

Be it enacted, &c., as follows :

Governor may direct issue of scrip, payable in London or Boston.

SECTION 1. The governor, with the advice of the council, at any time during the recess of the legislature, should such emergency arise, is hereby authorized to direct the treasurer and receiver-general of the Commonwealth to issue scrip or certificates of debt in the name and on behalf of the Commonwealth, and under his signature and the seal of the Commonwealth, for such sums not exceeding in the aggregate the amount of seven millions of dollars, payable at such times and with such interest, not exceeding six per cent. per annum, as the governor, with the advice of the council, may direct. Said scrip or certificates of debt may be expressed in the currency of Great Britain or of the United States, and made payable in London or Boston, as the governor, with the advice of the council, shall direct ; the interest shall be payable semi-annually, and interest-warrants, signed by the treasurer and receiver-general shall be attached thereto. Said scrip shall be countersigned by the governor of the Commonwealth, and be deemed a pledge of the faith and credit of the Commonwealth for the redemption thereof.

SECTION 2. The scrip to be so issued may be sold in such manner as the governor shall direct, and the proceeds thereof loaned to the government of the United States, or expended in purchasing from the government of the United States its treasury notes, or other evidences of indebtedness, or said scrip may be delivered to the secretary of the treasury of the United States in exchange for obligations of the United States government of corresponding amount.

May loan to, or exchange scrip with, U. S. government.

SECTION 3. This act shall take effect upon its passage.

Approved May 21, 1861.

AN ACT in further addition to an Act for the Maintenance of the Union and the Constitution. *Chap. 218*

Be it enacted, &c., as follows :

SECTION 1. The governor, with the advice of the council, is hereby authorized to pay out of the Union Fund any of the troops of this Commonwealth, which have been mustered into the service of the United States during the time which elapsed from their reporting themselves for service, in pursuance of the order of the governor, and the time when they were actually mustered into the service of the United States; such pay shall be the same as that of the same troops in the service of the United States. He shall also have authority to pay such chaplains as have been or may be appointed to any of the regiments of the troops of Massachusetts which have been or may be mustered into the service of the United States, such pay to be the same allowed in the United States service.

Pay of troops.

Chaplains.

SECTION 2. The governor and council shall have the same powers with regard to the expenditures provided in this act as are given them in the third section of the act to which this is in addition.

Powers of executive defined.

SECTION 3. This act shall take effect upon its passage.

Approved May 22, 1861.

[1862, 147.]

AN ACT to provide for the Discipline and Instruction of a Military Force. *Chap. 219*

Be it enacted, &c., as follows :

SECTION 1. The governor, with the consent of the council, is authorized and empowered to establish one or more camps in suitable places within the Commonwealth, for the instruction and discipline of such military force as may be placed therein under the provisions of this act; and may procure suitable structures, tents, camp equipage, utensils, uniforms, arms and equipments for the accommodation and use of not exceeding five regiments and one battery of artillery of six pieces; and may, from time to time, order into said camp or camps, to be kept therein for such period

Camps, establishment authorized.

Occupancy defined.

of time as he may deem expedient, any such companies or regiments now organized, or which shall be hereafter organized, not exceeding five regiments and one battery of artillery of six pieces, at any one time, as he may select, for the purpose of being instructed and disciplined.

Land for camps,
how possessed.

SECTION 2. For the purpose of establishing such camp or camps, the governor, with the advice of the council, shall have power to contract for the use and occupation of the land needful therefor, with the owners thereof, at such a rate of rent or compensation as shall be agreed upon, and if a suitable site or sites cannot otherwise be obtained, the governor, with the consent of the council, may cause sufficient land for such camp or camps to be taken into the possession of the Commonwealth, and occupied for the purposes of a camp or camps, and may enter upon and occupy the same, either with or without the consent of the owner of the same; and the county commissioners of the county in which such land shall be, shall fix and determine the value of the occupation of such lands per month, and at the end of each month of such occupation, the amount of such allowance shall be paid to the owners of such lands respectively. Notice shall be given by the county commissioners of the time and place, when and where they will proceed to adjust the said value, and from their judgment an appeal may be taken in the same manner as appeals from the judgment of said commissioners fixing damages for lands taken for highways.

Compensation to
owners, how de-
termined.

Enlistment for
three years, and
upon requisition
of president of U.
S., conditions of
camp service.

SECTION 3. No such companies or regiments shall be placed in said camp or camps until all the members thereof shall have agreed by articles in writing that if they shall be detailed at any time, to be mustered into the service of the United States by the governor, upon the requisition of the president, they will enter into and remain in said service three years, unless sooner discharged by order of the president; or that if at any time the president of the United States shall call for volunteers for the service of the United States, and any portion of said volunteers are allotted to Massachusetts as her quota of the same, then that the governor may detail them, or any portion of them that he may select to answer such call, and that they thereupon will enter and remain in such service for such time as said call may require, not exceeding three years, and that they will sign such papers and do such acts as may be necessary to make such enlistment effectual and binding; and that whilst in the service of the United States, they will be subject to all

the laws of the United States, and all the rules and regulations of said service.

SECTION 4. The formation, organization, drill and tactics, of the military force while in camp, by virtue of this act, shall in all respects conform to the provisions of the laws of the United States, or to any order which may be made by the commander-in-chief; and the men shall conform, so far as practicable, to the standard established for enlistment in the regular service of the United States; and the governor may make such changes in the men and officers in the several companies to be placed in camp, or detailed to be ordered into the service of the United States, as may be necessary to produce conformity to the regulations of the United States.

Organization, drill, etc.

Governor may reorganize.

SECTION 5. The military force while in the camp or camps established by this act for discipline and instruction, shall be subject to the rules and articles for governing the militia in actual service.

Rules for government defined.

SECTION 6. The governor, with the consent of the council, may appoint a suitable person, removable at his pleasure, to have the command of each camp, established by virtue of this act, who shall be subordinate only to the commander-in-chief, with such rank and such powers and duties as the governor may from time to time prescribe; and such person so appointed for such command may, with the approval of the governor and council, appoint one or more suitable persons for the instruction, under his orders, of the officers and men in the camp under his command; and the officers and instructors who may be appointed under the provisions of this section shall be commissioned by the governor, with such rank and pay as shall be determined by the governor and council.

Commanders of camps, appointment, powers and rank.

Instructors, how appointed, etc.

SECTION 7. The authority of the officer or officers in command of the camps respectively, may be extended by order of the commander-in-chief to a distance of one-fourth of a mile around such camps, and upon such external space no persons other than the owners of the same with their servants, for the purpose of occupying and improving the same in the same manner and way they occupied and improved the same at the time such camps shall be established, shall be allowed to enter, except under such rules as shall be established by the commanding officers of the camps respectively, with the approval of the governor, or by special permission of the officer in command for the time being, or some officer by him designated; and if any person shall so enter he may be immediately expelled.

Jurisdiction one fourth of a mile around camp, how established and conditioned.

Pay, clothing and subsistence, how determined.

SECTION 8. The privates while in said camp shall be entitled to the same pay, clothing and subsistence as privates in the army of the United States; and the officers, except those whose pay is specially provided for in this act, shall receive such pay as shall be fixed by the governor and council, but in no case higher pay than that of a captain in the army of the United States. Such payment shall be made monthly, unless such troops or a portion of them shall be mustered into the army of the United States, in which case the portion so detailed shall be entitled to be paid up to the day when they are mustered into the service of the United States.

Paymaster, appointment and duties of.

SECTION 9. The governor, with the consent of the council, may appoint, commission and fix the pay of a suitable person, removable at pleasure, as paymaster for the camps established by virtue of this act, whose duty it shall be to receive from the treasurer, upon the order of the governor, and pay over, all moneys which shall become due to the officers, instructors and men in such camp under the provisions of this act; and such paymaster, before entering upon the duties of his office, shall enter into bond to the Commonwealth of Massachusetts, in such sum as the governor shall direct, with such sureties as he shall approve, to be evidenced by his indorsing approval on such bond, conditioned for the faithful application according to law, of all moneys he shall receive by virtue of his office, and which bond shall be filed in the office of the treasurer; and in case of breach of conditions of said bond, such paymaster shall be prosecuted by the attorney-general, under the direction of the treasurer.

Bond.

Breach of conditions, prosecutions for.

Returns of service to be made monthly.

SECTION 10. The commanding officers of the several companies in camp shall make monthly returns of the service of the several members thereof, to the commanding officers of their regiments respectively, and such commanding officers shall make returns of their regiments to the commanding officer of said camps respectively, which returns, with a return of the services of all officers and instructors in said camps respectively, shall be transmitted to the adjutant-general, and the governor shall draw his warrant monthly, upon the treasurer, in favor of the paymaster for the pay for the same, according to a pay-roll, which shall be furnished by the adjutant-general, based upon the returns made as above provided.

Warrant in favor of paymaster.

Militia position of volunteers to be unchanged.

SECTION 11. Companies, battalions and regiments of the volunteer militia, who shall volunteer to go into the service of the United States, shall, upon the expiration of such

service, hold the position in the volunteer militia which they held when they volunteered into such service, unless otherwise provided by law.

SECTION 12. Any suitable person may be elected or appointed as an officer in the volunteer militia, and the fact that any such person elected or appointed is not a citizen of this Commonwealth shall not disqualify him from receiving his commission or warrant. Officers, eligibility of non-residents.

SECTION 13. If at any time any person shall be elected or appointed as a commissioned officer, who in the opinion of the commander-in-chief is unfit for actual service, the commander-in-chief shall withhold his commission and order a new election or appointment. Fitness to be determined by governor.

SECTION 14. The commanding officer of any regiment or battalion in service without the Commonwealth may order an election of any commissioned officer to fill any vacancy which may occur in his regiment or battalion, or the companies attached thereto; and such officer may enter forthwith upon his duties. Vacancies, when abroad, how filled.

SECTION 15. The commander-in-chief may appoint and commission, and determine the rank and compensation of a quartermaster-general, commissary-general, surgeon-general, and such other staff officers, in addition to those now by law existing, as in his judgment the exigencies of the service may require. These officers shall be removable at will, and the office may be suspended at any time by the commander-in-chief, who may likewise prescribe the duties of all such officers, and the limitations of their respective powers, anything in existing laws to the contrary notwithstanding. Any of the officers so appointed may, with the approval of the commander-in-chief, appoint such assistants as their departments shall require, who shall be commissioned and their compensation determined by the commander-in-chief. Quartermaster, commissary and surgeon-generals and staff officers, additional, governor may appoint and direct.

SECTION 16. Whenever a requisition or call shall be made by the president of the United States for a portion of the militia of this Commonwealth, the governor may answer such requisition or call, by detailing the whole or such part of the force disciplined under the provisions of this act as may be needed to satisfy such requisition or call, and the same may be marched without the limits of this Commonwealth. Requisition of president, governor may answer.

SECTION 17. The governor, with the consent of the council, is hereby authorized to appoint and commission any officers, or employ the services of any men in addition to those now authorized by law, and determine the rank and compensation for the same, to carry into effect the provisions Executive may appoint officers at discretion and furnish supplies to troops in service.

of this act, or to supply any emergency which may hereafter arise; and he is authorized to furnish such companies or regiments as may go into the service of the United States with such arms, ammunition, clothing and supplies of any kind as he may deem necessary for their proper equipment, support and comfort.

Sections of chapter 18 of General Statutes suspended.

SECTION 18. The provisions of sections twenty-three, ninety-nine, one hundred, one hundred and one, one hundred and two, one hundred and three, one hundred and four, one hundred and five, one hundred and six, one hundred and seven, and one hundred and eight of chapter thirteen of the General Statutes, are hereby suspended, and shall not be enforced for one year from the passage of this act.

Sect. 23 of ch. 2, G. S. not to apply.

SECTION 19. Section twenty-three of chapter two of the General Statutes shall not apply to any officer to be appointed under the provisions of this act.

Requisition, governor to fill from camps and by detail otherwise.

SECTION 20. When any requisition is received from the general government, the governor shall proceed to fill the same from troops which are or may have been in garrison or camp, until their numbers are exhausted, and may for that purpose reorganize any companies or regiments so as to comply in all respects with the terms of such requisition, and may detail men or companies from companies or regiments to other companies or regiments, as the public interest may seem to require.

SECTION 21. This act shall take effect upon its passage.

Approved May 23, 1861.

[1846, 167; 1848, 33; 1849, 187; 1850, 316; 1851, 121; 1854, 353; 1858, 86; 1859, 184.]

Chap. 220

AN ACT in amendment of the Act for Supplying the City of Boston with Pure Water.

Be it enacted, &c., as follows:

Penalty for diverting or corrupting water increased.

SECTION 1. The fifteenth section of the act entitled "An Act for supplying the City of Boston with Pure Water," passed the thirtieth day of March in the year one thousand eight hundred and forty-six, is hereby amended by adding thereto the following words, viz.: "or by confinement to hard labor in the state prison for a term not exceeding ten years."

SECTION 2. This act shall take effect upon its passage.

Approved May 23, 1861.

[1864, 271; 1865, 131; 1867, 343.]

Chap. 222

AN ACT in aid of the Families of Volunteers, and for other Purposes.

Be it enacted, &c., as follows:

Cities and towns may raise money for support.

SECTION 1. Any town or city may raise money by taxation, and, if necessary, apply the same, under the direction

of their selectmen or mayor and aldermen or city council, for the aid of the wife, and of the children under sixteen years of age, of any one of their inhabitants, who, as a member of the volunteer militia of this state may have been mustered into or enlisted in the service of the United States, and for each parent, brother or sister or child, who, at the time of his enlistment, was dependent on him for support.

SECTION 2. Any city or town may by vote raise money to defray any expense already incurred, or to carry out and fulfil any contract heretofore made with, or in behalf of any of its inhabitants who may have enlisted as members of the volunteer militia, or who have been, or may be called into the service of the United States; but all contracts now subsisting between any town or city and any member of the volunteer militia, as such, shall terminate in ninety days from the date of such contract or the date of enlistment if subsequent to such contract and previous to the passage of this act.

May pay expense incurred and fulfil contracts.

Limitation.

SECTION 3. No compensation, in addition to the regular pay of the army or navy of the United States, other than that mentioned in this act, shall be given by any town or city to any of their inhabitants, who, as volunteers, or otherwise, shall enlist in the service of the United States; but all contracts made with any members of the volunteer militia who have been mustered into the service of the United States for the term of three months, shall be valid during such term, and no pay shall hereafter be allowed by any town or city for the expense of drilling.

Compensation of troops defined.

Contracts confirmed.

SECTION 4. Any city or town, when danger from attack from the sea is apprehended, is authorized to organize an armed police to guard against such an attack, and may provide, by taxation, to maintain the same. Such force, may, for this purpose, act in any part of the county within which such city or town may be situated.

City or town may repel invasion.

SECTION 5. Of the sum so paid or applied by any city or town for the support of the family of any inhabitant, who may be actually engaged in the service of the United States, as provided in the first section, there shall be annually re-imbursed from the state treasury to such town or city, a sum not exceeding one dollar per week for the wife and one dollar per week for each child or parent of such inhabitant, who, at the time of his being called into the service of the United States, was dependent upon him for support: *provided*, that the whole sum so re-imbursed shall not exceed twelve dollars per month for all the persons named in this section so dependent upon any such inhabitant.

Reimbursement for support of families of volunteers, conditions of.

Proviso.

Certified statement to be made to auditor.

SECTION 6. No re-imbursement shall be allowed from the state treasury to any town or city, as provided in the previous section, until a full report, certified and sworn to by a majority of the board of selectmen of any town, or of the mayor and a majority of the aldermen of any city, containing a statement of the inhabitants of such town or city, whose families have been assisted, as provided in the first section, and of the persons who have been assisted, and the relations which such persons severally bear to such inhabitants, and the sums paid to each person, has been made to the auditor of the Commonwealth, and carefully examined and approved by him.

Annual statement required.

SECTION 7. A statement certified and sworn to by a majority of the board of selectmen of any town or of the mayor and a majority of the aldermen of any city shall be made to the auditor of the Commonwealth, on or before the fifth day of January in each year, of the full amount due such city or town for aid furnished in accordance with this act.

SECTION 8. This act shall take effect upon its passage.

Approved May 23, 1861.

[1862, 66, 166; 1863, 58, 79, 122, 176, 218; 1864, 47; 1866, 172, 282; 1867, 136; 1868, 107, 115.]

SECRETARY'S OFFICE, 1861.

In compliance with the 14th section of the 110th chapter of the General Statutes, returns of the following changes of names have been received at the Secretary's Department, as decreed by the several Judges for their respective counties.

SUFFOLK COUNTY.

Joel Barber, takes the name of Joel Dwight Barber.

George William Buchanan, takes the name of George William Buchanan Cains.

Edward Crowninshield, takes the name of Edward Augustus Crowninshield.

Miriam Goodwin Copp, takes the name of Miriam Copp Sanderson.

John Carson, takes the name of Charles Stebbins.

Lizzie Crane, takes the name of Lizzie Crane Staples.

Ellen Carroll, Jr., takes the name of Jennie Frances Oliver.

Frances Collins, takes the name of Martha Saunders Thompson.

Emma Melissa Davis, takes the name of Emma Melissa Pratt.

Thomas Johnson Entwisle, takes the name of Thomas Johnson.

Ellen Fitzgerald, takes the name of Emma Judson Gullefer.

Michael Greene, takes the name of George Leslie Greene.

Martha Earl Hughes, takes the name of Martha Avise Earl.

Mary Kingston, takes the name of Angenora Barber.

William Russell Lane, takes the name of Russell Lane.

Alexander Lane, takes the name of Alexander McLane.

Edis Henrietta Nichols, takes the name of Edis Henrietta Metcalf.

Elizabeth Rogers, takes the name of Elizabeth Smith.

Margaret Ellen Simpson, takes the name of Margaret Ellen Stark.

James Munroe Stevens, takes the name of Munroe Stevens.

William Ellery Albert Thomas, takes the name of William Ellery Cotton.

George A'Court Webb, takes the name of George Webb A'Court.

Henry Clarence Wright, takes the name of Haynes Henry Wright.

ESSEX COUNTY.

December 27, 1859. Albert Merrill and wife, of Amesbury, adopt William L. Jones, a minor, and said William takes the name of Albert Sumner Merrill.

February 7, 1860. Edward Augustus Baker, of Beverly, takes the name of Edward Augustus Webber.

March 13. Elisha C. Humphrey and wife, of Lawrence, adopt Alonzo Eliphalet Hardy, and said Alonzo E. takes the name of Alonzo Hardy Humphrey.

March 27. Morrill C. Bartlett and wife, of Haverhill, adopt — Goodrich, a minor, aged seven months, and said Goodrich takes the name of Ruth Ann Bartlett. Jeremiah Morris Spofford, of Groveland, takes the name of Morris Spofford.

May 1. Richard Mead, of Rowley, takes the name of Richard C. Hale.

July 3. Lucinda Marshall, of Andover, (formerly the wife of William Marshall,) takes the name of Lucinda Lyford. Alexander Peckham, Jr., of Lynn, takes the name of Charles Edwin Peckham.

July 17. Walter S. Williams and wife, of Amesbury, adopt Alice Maude Mary Cook, a minor, and said Alice takes the name of Alice Maude Williams.

September 18. Daniel C. Bagley and wife of Amesbury, adopt Lois Perry Woolley, a minor, and said Lois takes the name of Ella Mariah Bagley.

MIDDLESEX COUNTY.

November 13, 1860. Maria Louise Wainwright, takes the name of Maria Louise Hayward.

The names of the following minors were changed by reason of their being adopted :

January 3, 1860. Robert Chaffin Conant, of Acton, to Robert Conant Chaffin. Susannah Chaffin Conant, of Acton, to Susanna Conant Chaffin.

January 10. Julia Barnes, of Charlestown, to Etta Hull. Grace Atkins, of Charlestown, to Grace Atkins Hull.

January 24. Anna V. Barnard, of Lowell, to Anna V. B. Sanborn.

February 14. A minor, of Cambridge, name unknown, was decreed the name of Leo Schnepf.

March 13. Mary Augusta Richards, of Holliston, takes the name of Minnie Williams.

March 27. Frederick Kent, of Charlestown, to Frederick Kent McKenzie.

April 3. Mary Marden, of Lowell, to Ella Francis Martin. Matilda Goddard Holmes, of Lowell, to Matilda Goddard Allen.

May 8. Mary Kate Bowen, of Cambridge, to Mary Catherine Bowen Sullivan.

June 5. Sarah Annah Scarlett, of Tewksbury, to Sarah Annah Gray.

June 12. Elizabeth Smith, of Hopkinton, to Lizzie Ann Raymore.

June 26. William Apel, of Cambridge, to Herbert William Duxbury.

August 14. Annie Abbott Gibson, of Lexington, to Annie Abbott Smith.

August 28. Abraham Paul, of Marlborough, to Abraham Paul Belmore.

September 11. Caroline Effeda Greene, of West Cambridge, to Effie Locke.

September 25. Herbert William Duxbury, of Cambridge, to William Herbert Apel.

October 9. Rufus Fuller Smith, of Ashby, to Harlow Rufus Foster.

November 13. Willie Walsh, of Charlestown, to Willie Walsh Monroe.

WORCESTER COUNTY.

Eliza Ann Barnes, takes the name of Lizzie Anna Gibson. Annette M. Covell, takes the name of Frances Maria Stockwell. James Albert Carpenter, takes the name of James Albert Sadlee. George Jonas Gage, takes the name of George Tufts Brackett. George W. Green, takes the name of George Henry Wilder. Peter Labadore, takes the name of Peter Marron. Jennette Louise Parker, takes the name of Jennie Louise Parker. Ida Maria Woodward, takes the name of Ida Maria Hoppin. Charles Albee, takes the name of Charles Albee Chickering. Cora Bradbury, takes the name of Cora S. Howland. Harriet Alice Ward, takes the name of Harriet Alice Putnam. Edmond John McMannus, takes the name of Edmond John Morton.

HAMPSHIRE COUNTY.

January 3, 1860. Thomas Burke, Jr., and wife, of Ware, adopt Emma Virginia Wheeler, a minor, and said Emma takes the name of Emma Virginia Burke.

December 4. Aaron Stevens and wife, of Worthington, adopt Henrietta Josephine Cole, a minor, and said Henrietta takes the name of Henrietta Josephine Stevens.

Stephen Ashley and wife, of Prescott, adopt Phoebe Amanda Pierce, a minor, and said Phoebe takes the name of Emma Amanda Ashley.

HAMPDEN COUNTY.

April 11, 1860. Joseph W. Babcock, of Chester, takes the name of Joseph E. Webster.

December 18. Francis McCan, of Springfield, takes the name of Francis Fuller.

Caroline E. McCan, of Springfield, takes the name of Caroline E. Fuller.

Jerome E. McCan, of Springfield, takes the name of Jerome E. Fuller.

The names of the following minors were changed by reason of their being adopted:

January 3, 1860. Fanny Jane Hawks, child of Elisha Hawks, of Springfield, to Fanny Jane Jennings.

February 7. Flora Emergene Stodard, child of Jasper M. Stodard, of Montpelier, Vermont, to Flora Emergene Hubbard.

April 24. Charles Henry Speakman, child of Susan Speakman, of Monson, to Charles Henry Lee.

May 22. Linnie Maud Collins, child of Harriet N. Collins, of Palmer, to Minnie Harriet Watrous.

June 5. Ida Mason, child of Mercy Mason, of Springfield, to Josephine Ida Clark.

June 12. Henry Nelson, child of Eli Nelson, of Wales, to Henry Nelson Thompson.

June 19. Samuel J. Harris, child of Daniel and Mary Harris, deceased, to Aaron William Rising.

July 3. Nellie A. Sheldon, child of Selina Sheldon, of Chicopee, to Nellie Louisa Shaw.

August 28. Anna Maria Pierce, child of Carlisle and Abbie Maria Pierce, of Westfield, to Anna Maria Pease.

FRANKLIN COUNTY.

Mary Schneider, child of Peter Schneider, of Buckland, adopted by David M. Whitney and wife, and name changed to Mary Schneider Whitney.

John Ferroth, child of Eugenia Ferroth of Boston, adopted by Christian Hawser, of Greenfield, and name changed to Christian Hawser.

Nina Estella Wright, child of Amelia Wright, of Charlemont, adopted by James M. Ford and wife, of Rowe, and name changed to Catharine Wells Ford.

Mary J. Seavery, child of Mary J. Seavery of Conway, adopted by George Barrus and wife, and name changed to Mary Jane Barrus.

BERKSHIRE COUNTY.

January 1, 1860. Ann Doud, takes the name of Eva Ann Johnson.

January 3. D. Lyon Davidge, takes the name of Charles Bray Davidge.

April 25. Amy Merilla Williams, takes the name of Amy Merilla Wright.

May 1. Franklin Secor, takes the name of Franklin Potter.

July 18. Ellen Maria Potter takes the name of Ellen Maria Wood.

July 25. Ida Muller, takes the name of Ida Keach. Harriet Lois Palmer, takes the name of Elizabeth Annett. Charles J. Ferguson, takes the name of Charles J. Stowell.

NORFOLK COUNTY.

Aurelia Jane Angier, takes the name of Aurelia Jane Hunt.

Francis Balch, takes the name of Francis Vergines Balch.

William Duncan Foster, takes the name of William Foster Duncan.

Emma Sawin, takes the name of Emma Sawin Patten.

Eva L. Smith, takes the name of Addie Ellis Richardson.

Benie Potter, takes the name of Flora Ann Reed.

Amelia Hannah Willis, takes the name of Amelia Hannah Lesuer.

Charles Sumner Stevens, takes the name of Charles Stevens Ayer.

Martha Jane McAndrews, takes the name of Martha Jane Grace.

Sarah E. Honey, takes the name of Amy Elizabeth Pettee.

Harriet Amanda Pond, takes the name of Harriet Ella Gay.

Mary Ann Maddock, takes the name of Mary Ann Gay.

BRISTOL COUNTY.

October 2, 1860. Anne Frances Baker, takes the name of Annie Frances Davis.

November 9. Harriet Upham, takes the name of Harriet Upham Andrews.

December 4. Sarah McGurk, takes the name of Sarah McGurk Reed. Frances Borden, takes the name of Frances Borden Vincent. Hannah V. D. Robinson, allowed to resume her maiden name of Hannah Valentine Durfee. Fidelia Durfee Robinson, takes the name of Fidelia Durfee. George Durfee Robinson, takes the name of George Durfee.

BARNSTABLE COUNTY.

Harry Wallen, takes the name of Harry Franklin Clark.

Emma Thompson, takes the name of Emma Nelson Hallet.

Huldah Thompson, takes the name of Addie William Loring.

Harriet Augustus Bartlett, takes the name of Harriet Bartlett Robinson.

Josephine Hallett Sturgis, takes the name of Muriel Mary Rogers.

Ellen Jane Sullivan, takes the name of Hannah Nye.

Atkins Dyer Paine, takes the name of Elisha Lewis Lombard Paine.

Marshal E. Paine, takes the name of Marshal Paine Snow.

Henry T. Hallett, takes the name of Henry T. Coombs.

Alice Maria Osgood, takes the name of Fanny Maria Hoxie.

Eliza Jones Collins, takes the name of Eliza Jones Nickerson.

No application for change of name has been made to the judges of probate and insolvency for the counties of .
Plymouth, Dukes and Nantucket, during the year 1860.

1862.

[1811, 138; 1824, 118; 1853, 130; 1861, 187.]

AN ACT in relation to the Town of Seekonk.

Chap. 2.

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. A municipal district is hereby established by the name and style of East Seekonk, to consist of those portions of the territory of the towns of Seekonk and Pawtucket, which by the fifth and seventh sections of the "Act in relation to the Rhode Island Boundary," approved by the governor on the tenth day of April, in the year one thousand eight hundred and sixty-one, are declared to constitute the town of Seekonk, upon the entry of a final decree by the supreme court of the United States, in the suit pending in said court between the states of Massachusetts and Rhode Island; and the legal voters of the towns of Seekonk and Pawtucket, residing on said territory, and none others, shall be qualified to vote in the affairs of said district.

East Seekonk,
district of, estab-
lished.

Qualification of
voters.

SECTION 2. On the petition of three or more of the legal voters of said district, any justice of the peace within the county of Bristol may and shall, by warrant directed to any one of said petitioners, and posted by him at any suitable public place or places in said district, summon the legal voters of said district to meet at any proper place in said district designated in said warrant, in district meeting, five days after the posting of said notice, at which meeting the said voters shall elect a warden, a clerk, and a treasurer, by a plurality vote, to have and exercise the powers and duties hereinafter set forth, and to be sworn to the faithful performance of the same. And said meeting may adjourn and meet from time to time, so long as said district shall continue to exist. And in case of the death, absence, or disability of any warden, clerk, or treasurer elected, the district may and shall choose another person to act in his place and stead.

Warden, clerk
and treasurer,
how chosen.

Vacancies to be
filled by election.

SECTION 3. The said municipal district of East Seekonk may provide for the division of the future town of Seekonk into school districts, and for the adjustment of the claims of the several school districts and the tax-payers thereof, as contemplated in the aforesaid "Act in relation to the Rhode

School districts,
East Seekonk, to
arrange and ad-
just claims of in
Seekonk.

Warden and selectmen, powers and duties.

Island Boundary ;” to which end the warden of said district, together with the selectmen of the present town of Seekonk, shall conjointly have and exercise all the powers, which the selectmen of towns now have, by general law, in the determination of school districts, and shall make and consummate the sales, conveyances, appraisements and remittances of taxes, particularly required by the above-mentioned act.

Records and other corporate property, custody of.

SECTION 4. The selectmen and town clerk of the present town of Seekonk shall forthwith, on demand of the warden or clerk of the district of East Seekonk, place in the custody of said warden or clerk, the town records, muniments of title, and other corporate property other than money or uncollected taxes, which the aforesaid “ Act in relation to the Rhode Island Boundary ” declares shall be the property of the future town of Seekonk. And it shall be the duty of the said warden and clerk immediately to take possession of such property and hold the same subject to the provisions of this act.

Moneys and funds, questions respecting, how determined.

SECTION 5. The warden of East Seekonk, together with the selectmen of Seekonk, shall conjointly have power to determine all questions, which have arisen or may arise, respecting money in the treasury of or belonging to the present or future town of Seekonk, and all questions regarding funds of the town, general or special, and all town questions whatsoever, occasioned by or depending upon the setting off a part of said town to the state of Rhode Island ; and they shall direct and order the immediate collection of all outstanding taxes, and determine what portion of the same, whether school money, highway money, or other, appertains to the future town of Seekonk, and to require such portions to be paid by the treasurer of the present town of Seekonk to the treasurer of the district of East Seekonk : and all expenditures hereafter in and for the present town of Seekonk shall be made on the joint order of the selectmen of Seekonk and the warden of East Seekonk, and not otherwise.

Taxes outstanding, collection and disposition of.

Expenditures, how ordered.

Receipts and expenditures of money, and return of uncollected taxes, reports of, to whom made.

SECTION 6. The treasurer and collector of the present town of Seekonk shall forthwith prepare in duplicate a certified return of all moneys received by him as such during the current municipal year, and since his last report to the said town, and of the expenditure of the same. Also a certified return of all taxes committed to him for collection and remaining uncollected. And he shall thereupon deliver one copy of said return to the warden and one copy to the treasurer of the district of East Seekonk.

SECTION 7. The treasurer and collector of the present town of Seekonk shall proceed forthwith, by distraint, arrest, or otherwise, according to law, to collect all outstanding taxes due to said town from any person residing or owning taxable property therein, save in the case of any such person, who, by joint act of said selectmen of Seekonk, and said warden of East Seekonk, shall have been declared to be unable by reason of extreme poverty to pay his tax, and whose tax shall by said selectmen and warden have been for such cause abated or released. And all town money now in the hands of the said treasurer of the town of Seekonk, and all which he may hereafter collect, he shall hold and pay according to the joint order of the said selectmen of Seekonk and the said warden of East Seekonk, and thus only, unless otherwise required by lawful process of the courts of the Commonwealth.

Taxes outstanding, to be collected by legal enforcement.

Moneys in treasury of Seekonk, how drawn.

SECTION 8. It shall be lawful for the selectmen of Seekonk, or the warden of East Seekonk, or either of them, immediately on the organization of said district of East Seekonk, to petition the supreme judicial court, or either of the justices thereof, in term time or vacation, to appoint a commissioner, which commissioner shall have power to do and perform all the things proposed by this act to be done by the joint action of the selectmen of Seekonk and the warden of East Seekonk as aforesaid, in case of any disagreement between them as to the execution of the powers and duties devolved upon them by this act, and who shall thereupon proceed to Seekonk, there to discharge his functions; and the report of said commissioner in the premises, made to and accepted by the supreme judicial court, shall be final and conclusive as respects all parties.

Commissioner, upon request of either party, may be appointed by S. J. Court, to adjust differences between selectmen and warden.

SECTION 9. In case of the neglect or refusal of the selectmen, town clerk or treasurer of the present town of Seekonk, or either of them, to do the things herein required, or any of them, the supreme judicial court is authorized and required, on application of the warden, clerk or treasurer of East Seekonk, to compel the same to be done; and the said supreme judicial court shall have like authority, on petition of any inhabitant of Seekonk, to enforce the performance of the duties hereby imposed on the warden, clerk and treasurer of the district of East Seekonk.

Failure of officer to perform duties, to authorize S. J. Court to enforce performance.

SECTION 10. The supreme judicial court is hereby empowered to make and issue all orders and decrees requisite in the premises, and to cause the same to be executed summarily, by injunction, contempt or other lawful process in

Orders and decrees requisite, S. J. Court empowered to execute.

Proceedings, to be prosecuted by attorney-general.

Expenses to be paid by Commonwealth.

Powers and duties of district officers of East Seekonk.

Warden to issue warrant for meeting ten days prior to first day of March.

Specifications of warrant.

Warrant to be posted.

Meeting to be deemed a town meeting of town of Seekonk.

Upon election of officers for town of Seekonk, district to cease, and property to be delivered to town officers.

Construction of Act of 1861 defined.

chancery. And the proceedings before said court, in any case arising under this act, at the relation of any petitioner, shall be in the name of the attorney-general of the Commonwealth, whose duty it shall be to prosecute the same to final decree in the behalf and at the expense of the Commonwealth. And the treasurer of the Commonwealth is empowered to pay all said expenses, as taxed and allowed by the supreme judicial court, including the expenses of the commissioner, on the certificate of the attorney-general.

SECTION 11. It shall be the duty of the warden, clerk and treasurer of East Seekonk, to prepare a voting list of the legal voters of said district, entitled to vote in town meeting, and to correct the same, with the same powers as selectmen in the premises, and to post the same in a suitable public place or places, at least ten days before the first day of next March.

SECTION 12. The warden of East Seekonk shall, at least ten days prior to the first day of March next, issue his warrant, directed to the clerk of said district or any person therein, requiring him to warn the lawful voters of said district to assemble in town meeting at some suitable place on the said first day of March, for the purpose of organizing the future town of Seekonk, as designated by the aforesaid "Act in relation to the Rhode Island Boundary," and the warrant for said meeting shall set forth the objects thereof, to wit, to organize the town, to elect the annual town officers, and to transact any other town business proper or usual to be transacted at annual town meetings, which shall have been specified in said warrant by the said warden. Notice of said meeting to be given by posting a copy of the warrant at some suitable public place or places at least five days prior to the said first day of March. And the said warden shall call the meeting to order, and preside over the same until a moderator shall have been chosen, when the meeting shall be deemed and held in law to be a town meeting of the town of Seekonk.

SECTION 13. So soon as the proper town officers of the future town of Seekonk shall have been elected and qualified, the district of East Seekonk, created by this act, shall determine and cease; and the warden, clerk and treasurer of East Seekonk shall thereupon deliver up all records, money, or other town property in their hands, respectively, to such proper officers of the said town of Seekonk.

SECTION 14. Wherever in the aforesaid "Act in relation to the Rhode Island Boundary," mention occurs of the time of entry of a final decree of the supreme court of the United

States, it shall be deemed to intend the time when, by the terms thereof, said decree takes effect, to wit, the first day of the next March.

SECTION 15. The religious society in the town of Seekonk, incorporated on the twenty-third day of June, one thousand seven hundred and ninety-two, by the name of the Congregational Society in the first precinct of Rehoboth, a part of which society is situated on the western side of the boundary line between the states of Massachusetts and Rhode Island, established by the aforesaid decree of the supreme court of the United States, shall nevertheless be and continue a religious corporation of this Commonwealth, with all the powers and duties of such, according to the provisions of said act and the General Statutes of the Commonwealth.

Congregational society in first precinct of Rehoboth, location defined.

SECTION 16. This act shall take effect upon its passage.

Approved January 29, 1862.

[1862, 105.]

[1860, 16; 1861, 47.]

AN ACT in addition to an Act to incorporate the Arkwright Mutual Fire Insurance Company. *Chap. 3.*

Be it enacted, &c., as follows:

SECTION 1. The Arkwright Mutual Fire Insurance Company is authorized to insure manufactories, and other buildings containing manufactured goods and materials for manufacturing, and the contents thereof, against loss or damage by fire.

Additional powers granted.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1862.

AN ACT establishing the Terms of the Probate Court in the County of Bristol. *Chap. 5.*

Be it enacted, &c., as follows:

SECTION 1. Probate courts for the county of Bristol shall be held at Fall River, on the first Friday of January, April and October, and the second Friday of July; at New Bedford on the first Friday of February, May, August and November; and at Taunton, on the first Friday of March, June, September and December, of each year.

Fall River.

New Bedford.

Taunton.

SECTION 2. All acts and parts of acts establishing other times and places of holding said courts, are hereby repealed.

Repeal.

SECTION 3. This act shall take effect on the first day of April next.

When to take effect.

Approved February 8, 1862.

[1855, 269; 1856, 238; 1857, 104; 1859, 63; 1861, 98.]

Chap. 10. AN ACT to extend the Time for Locating and Constructing the Milford and Woonsocket Railroad.

Be it enacted, &c., as follows :

Extension of two years.

SECTION 1. The time for locating and constructing the Milford and Woonsocket Railroad is hereby extended two years.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1862.

[1863, 188; 1864, 1; 1865, 63; 1866, 4; 1867, 244, 319; 1868, 34, 222.]

[Special Laws, vol. 3, p. 614; 1855, 345.]

Chap. 11. AN ACT to change the Name of "The Proprietors of the Meeting-House in Federal Street, in the Town of Boston."

Be it enacted, &c., as follows :

Arlington Street Church.

SECTION 1. "The Proprietors of the Meeting-house in Federal Street, in the town of Boston," shall hereafter be called and known by the name of The Proprietors of Arlington Street Church.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1862.

[1836, 111; 1849, 217; 1853, 199; 1854, 162.]

Chap. 13. AN ACT to reduce the Capital Stock of the Village Bank in Danvers.

Be it enacted, &c., as follows :

Reduction authorized.

Proviso.

SECTION 1. The president, directors and company of the Village Bank in Danvers are hereby authorized to reduce their present capital stock, to the sum of one hundred and fifty thousand dollars: *provided, however,* that no dividends of any part of the present capital stock shall be made, nor shall this act be in force, until the bank commissioners shall have certified their opinion, in writing, to the governor and council, that the said corporation has sufficient funds for the payment of all notes, bills, deposits and other demands existing against it, and that, after the payment thereof, the net sum of one hundred and fifty thousand dollars will remain in said bank as capital stock, in funds available for all usual and proper banking purposes.

Shares, number of and par value.

SECTION 2. No change shall be made in the present number of shares in said capital stock; but new certificates, in shares of seventy-five dollars each, shall be issued to the respective stockholders entitled thereto, upon their surrender of the certificates held by them.

Powers, duties and liabilities defined.

SECTION 3. From and after the time when the said certificate of said commissioners shall have been delivered as aforesaid, all the rights, duties and liabilities of said

corporation shall have relation to, and be governed by, said reduced capital of one hundred and fifty thousand dollars; and until the said certificate shall have been made and delivered as aforesaid, the said corporation shall pay into the treasury of the Commonwealth the tax required by law to be paid on the present capital stock of said bank.

SECTION 4. This act shall take effect upon its passage.

Approved February 13, 1862.

[1861, 48.]

AN ACT in addition to "An Act to incorporate the Quincy Railroad Company." *Chap. 14.*

Be it enacted, &c., as follows:

SECTION 1. The Quincy Railroad Company is hereby authorized to increase its capital to the amount of one hundred and fifty thousand dollars. \$50,000 additional capital stock.

SECTION 2. In case of disagreement between said Quincy Railroad Company and the trustees of the Neponset Bridge, as to the mode and terms of crossing said bridge by said company's road, the same shall be fixed and determined by three commissioners, to be appointed by the supreme judicial court, on the application of either party, and to be paid by the parties, as said commissioners shall determine. Trustees Neponset Bridge, difference with to be determined by commissioners.

SECTION 3. The time for locating and constructing that portion of said company's road, which lies between the town of Quincy and the point of connection with the horse railroad running through Dorchester Avenue is hereby extended for one year. Time for construction of portion extended one year.

SECTION 4. All the tracks of said railroad, in said town of Dorchester, shall be constructed upon such reasonable terms, as to filling and excavating upon the streets over which said road may pass, and at such grades, as the selectmen of said town shall determine to be for the public safety and convenience; and said selectmen shall have full power to make such regulations, as to the rate of speed on said tracks, as they shall deem necessary. Said company shall keep in repair and maintain such portion of said streets as shall be used for its tracks. Construction and rate of speed in Dorchester to be directed by selectmen.

SECTION 5. This act shall take effect upon its passage.

Approved February 13, 1862.

[1864, 251.]

[1852, 253; 1855, 388; 1857, 169; 1859, 210; 1860, 200; 1861, 142.]

AN ACT in addition to "An Act for the more speedy filling of Lands in the Back Bay." *Chap. 15.*

Be it enacted, &c., as follows:

SECTION 1. The first section of chapter two hundred of the acts of the year eighteen hundred and sixty, entitled Issue of scrip not to exceed \$250,000.

Time of issue and
form of certifi-
cate.

“An Act for the more speedy filling of Lands in the Back Bay,” is hereby so amended, that the whole amount of scrip or certificates of debt thereby authorized shall, in no event, exceed the sum of two hundred and fifty thousand dollars; and said scrip or certificates of debt may be issued in conformity to the provisions of said act, and, at any time, when needed for the purposes therein indicated, and shall bear date on the first day of the month of May last preceding the issue of said scrip or certificates of debt, and shall be signed by the treasurer, and countersigned by the governor, for the time being.

SECTION 2. This act shall take effect upon its passage.

Approved February 13, 1862.

[1866, 68, 264; 1867, 338.]

[1882, 114; 1886, 93; 1890, 210.]

Chap. 17.

AN ACT to reduce the Capital Stock of the Bank of Brighton.

Be it enacted, &c., as follows :

May reduce to
\$200,000.

Proviso.

SECTION 1. The president, directors and company of the Bank of Brighton, are hereby authorized to reduce their present capital stock to the sum of two hundred thousand dollars: *provided, however*, that no dividends of any part of the present capital stock shall be made, nor shall this act be in force, until the bank commissioners shall have certified their opinion in writing to the governor and council, that the said corporation has sufficient funds for the payment of all notes, bills, deposits and other demands existing against it; and that after the payment thereof, the net sum of two hundred thousand dollars will remain in said bank as capital stock, in funds available for all usual and proper banking purposes.

Shares, number
of, and par value.

SECTION 2. No change shall be made in the present number of shares in said capital stock; but new certificates, in shares of eighty dollars each, shall be issued to the respective stockholders entitled thereto, upon their surrender of the certificates held by them.

Powers, duties
and liabilities
defined.

SECTION 3. From and after the time when the said certificate of said commissioners shall have been delivered as aforesaid, all the rights, duties and liabilities of said corporation shall have relation to, and be governed by said reduced capital of two hundred thousand dollars; and until the said certificate shall have been made and delivered, as aforesaid, the said corporation shall pay into the treasury of the Commonwealth, the tax required by law to be paid on the present capital stock of said bank.

SECTION 4. This act shall take effect upon its passage.

Approved February 14, 1862.

AN ACT to incorporate the Conference of Baptist Ministers in Massachusetts. *Chap. 18.*

Be it enacted, &c., as follows :

SECTION 1. Andrew Pollard, Jonathan Tilson, S. S. Parker, Baron Stow, George B. Ide, Horatio B. Hackett, John N. Murdock, Arthur S. Train, Lemuel Porter, Daniel C. Eddy, Erastus Andrews, Addison Parker, William Lamson, John Girdwood, Kendall Brooks, Lemuel Moss, John Allen, Timothy C. Tingley, John Blain, William C. Richards, Peter B. Haughwort, Albert N. Arnold, J. H. Tilton, Edgar H. Gray, John Shepardson, their associates and successors, are hereby made a corporation by the name of The Conference of Baptist Ministers in Massachusetts, for the purpose of relieving aged and disabled Baptist ministers who are indigent ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may, for the purposes aforesaid, hold real and personal estate to an amount not exceeding seventy-five thousand dollars.

Real and personal estate.

Approved February 14, 1862.

AN ACT authorizing the Construction of a Bridge across Childs River, in the Town of Falmouth. *Chap. 19.*

Be it enacted, &c., as follows :

The county commissioners of the county of Barnstable are hereby authorized and empowered to locate and construct, or cause to be located and constructed, a bridge over a certain tide-water called Childs' River, in the town of Falmouth, at or near White's landing, so called, of such construction as said commissioners may adjudge to be in accordance with the wants and necessities of the citizens of Falmouth, and others.

County commissioners to construct bridge over Childs River in Falmouth.

Approved February 14, 1862.

AN ACT to authorize the Trustees of the Methodist Episcopal Society in Ipswich, to sell their old Meeting-House. *Chap. 22.*

Be it enacted, &c., as follows :

SECTION 1. The trustees of the Methodist Episcopal Society in Ipswich are hereby authorized to sell, at public auction, the building formerly used and occupied by said society as a house of worship, in said town, and to appropriate the proceeds of said sale :

Sale authorized.

First—To the payment of any debt or liability now due, and subsisting on account of said building ;

Proceeds, how to be applied.

Second—To the expenses of the sale ; and Third, to the owners of pews in said building, on demand, in accordance

with the existing appraisal thereof. Such payment shall be in full compensation for such pew or pews, to the owner or owners thereof.

SECTION 2. This act shall take effect upon its passage.

Approved February 14, 1862.

Chap. 23. AN ACT to incorporate the Trustees of the Horton Fund of the Second Presbyterian Society in Newburyport.

Be it enacted, &c., as follows :

Corporators.

Name.

Powers and duties.

Purpose.

By-laws.

SECTION 1. William Horton, Edward Burrill, Solomon Haskell, Nathaniel M. Horton, their associates and successors in office, for the time being, are hereby made a corporation, by the name of the trustees of the Horton Fund, of the Second Presbyterian Society in Newburyport; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, of associations for religious purposes, set forth in chapters thirty-two and sixty-eight of the General Statutes, for the purpose of holding property in trust, for the support of preaching the gospel in said society, agreeably to the provisions of the deed of trust, dated October twelfth, eighteen hundred and sixty-one, by which said trust funds have been provided; which deed, for preservation of evidence of its contents, may be recorded in the registry of deeds for the county of Essex.

SECTION 2. Said corporation may make such by-laws as are not inconsistent with the laws of this Commonwealth, for its government and for admission of associates, agreeably to the provisions of the said deed.

Approved February 14, 1862.

[1854, 257; 1857, 76, 77; 1859, 168; 1860, 48.]

Chap. 25.

AN ACT in relation to the City of Fall River.

Be it enacted, &c., as follows :

Town of Fall River, in R. I., annexed to city of Fall River, in Massachusetts.

Proviso.

SECTION 1. The town property of the heretofore town of Fall River, in the state of Rhode Island, shall be deemed and held, on and after the first day of March next, to be property of the city of Fall River, and the legal debts of said town to be the debts of said city: *provided*, that if said town of Fall River shall, before said first day of March, have determined, in town meeting duly called, to sell said town property, other than town records, and to pay all the debts of said town, and shall actually have sold said property, and paid said debts, then, neither the property nor the debts shall devolve on said city; and *provided, further*, that it shall be lawful for such of the inhabitants of the town of Fall River as reside in territory declared by the "Act in

relation to the Rhode Island boundary," of the tenth day of April, eighteen hundred and sixty-one, to be part of the town of Westport, to demand of the said city of Fall River, in case the town property of said town of Fall River becomes devolved on said city, indemnity for their proportion of interest in said property, and to receive the same on their paying to said city their proportion of the debts of said town of Fall River.

SECTION 2. It shall be the duty of the city council of the city of Fall River, on or before the first day of March next, to take measures in order, on that day, to demand and receive from the town officers of the heretofore town of Fall River, in Rhode Island, or from any other persons, the town records, muniments of title, town papers, and all other corporate property of said town, except such, if any, as the said town may have lawfully sold before the said first day of March next, as herein before provided; and it shall be the duty of all such town officers or other persons, on demand, to deliver the same to the proper city officers as designated by said city council.

City council to take measures to insure transfer of records and other property of town.

Duty of town-officers.

SECTION 3. It shall be the duty of the respective town officers of the said heretofore town of Fall River, or other persons in possession, to proceed, on the first day of March next, to deposit all records, files, and other evidences of conveyances and titles of real estate, in the custody of the register of deeds for the northern district of the county of Bristol; and to deposit all records, files, and other evidences of conveyances or titles of personal estate, in the custody of the city clerk of said city of Fall River; and to deposit all records of probate of wills, settlement of estates, and other probate matters, including original papers, in the registry of probate of said county of Bristol; and, in default thereof, it shall be the duty of the said city clerk, register of deeds, and register of probate, respectively, to demand and enforce the delivery of the same.

Evidences of conveyance and titles of real estate to be deposited with register of deeds for northern district in Bristol County.

Of personal estate with city clerk of Fall River.

Records of probate matters with register of probate.

In case of default, delivery to be enforced.

SECTION 4. The school districts of said town of Fall River, as constituted by authority of the state of Rhode Island, except that part of the same which is annexed to the town of Westport, by the "Act in relation to the Rhode Island Boundary," shall be deemed and taken as such within the Commonwealth of Massachusetts, until changed or reconstituted under the laws thereof; and said school districts shall have all the powers, and be subject to all the duties of school districts, and shall continue to hold and manage their school property, as fully and to the same intents, as if originally constituted under, and in virtue of, the laws of this

School districts of said town to be deemed as such within Mass.

Powers and duties.

Proviso—first district.

Reorganization of districts, duty of officers.

Disagreement as to any matter between said city and town or first district, commissioners to be appointed by S. C. to determine.

Ward officers of city of Fall River confirmed as such.

Commonwealth: *provided*, that the inhabitants of such part of the first school district of said town as by the aforesaid "Act in relation to the Rhode Island Boundary," was declared to be part of the town of Westport, shall be entitled to demand of said first school district, indemnity for their interest in the school property, on paying to said district their proportion of the debts thereof. And any clerk, trustee, or treasurer of either of said districts shall have power, and it shall be their duty, on, or soon after, the first day of March next, to call a meeting of the legal voters thereof to reorganize the said districts respectively, according to the laws of Massachusetts.

SECTION 5. In case of disagreement between the city of Fall River and the inhabitants of said town of Fall River, or the inhabitants of so much of the same as becomes part of the town of Westport, or between the first school district of said town and the part of it annexed to the seventeenth school district of Westport, by said "Act in relation to the Rhode Island Boundary," as to division of property or debts, or division of paupers, or as to taxes or obligations, or as to any matters consequent on change of jurisdiction by said act, the superior court for the county of Bristol is hereby authorized and required, on application of either of said parties, to appoint three disinterested persons to hear said parties and award thereon; which award, when accepted by the court, shall be final and conclusive of said matters.

SECTION 6. The ward officers of the several wards of the city of Fall River shall be deemed and held as such to all lawful intents, in the respective wards of said city bearing the numbers of the wards severally in and for which said ward officers were elected, until the first Monday of January next, or until others are lawfully elected in their places.

SECTION 7. This act shall take effect upon its passage.

Approved February 15, 1862.

[1863, 142.]

Chap. 27.

AN ACT to incorporate the Boston Union Relief Society.

Be it enacted, &c., as follows:

Corporators.

Name and purpose.

SECTION 1. James M. Phipps, James B. Libbey, Thomas Britten and James Knott, their associates and successors, are hereby made a corporation, by the name of the Boston Union Relief Society, the object of which is to afford assistance to the members of said society and their families, in cases of sickness and death, and of raising and holding a fund for said purposes.

SECTION 2. The said corporation may hold real and personal estate to an amount not exceeding twenty thousand dollars, no part of which shall be exempt from taxation. Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved February 18, 1862.

[N. 1856, 25. M. 1855, 315.]

AN ACT in relation to the Nantucket and Middlesex North Agricultural Societies. *Chap. 29.*

Be it enacted, &c., as follows :

The Nantucket Agricultural Society shall hereafter commence its annual fair on the last Tuesday in September. The Middlesex North Agricultural Society shall hereafter commence its annual fair on the last Thursday in September. Annual fairs, time for holding prescribed.

Approved February 18, 1862.

AN ACT authorizing the Members of the "New North Religious Society in the Town of Boston," to sell Real Estate. *Chap. 30.*

Be it enacted, &c., as follows :

The members of the "New North Religious Society in the town of Boston," are hereby authorized to sell and convey by deed, free from, and discharged of, all and every trust, their land and meeting-house situate on Hanover Street, in the city of Boston, and to use the proceeds of such sale, after paying the debts of said society, in any manner hereafter authorized by a vote of three-fourths of the members of said society, at a meeting legally notified and called for that purpose. Sale authorized, and appropriation of proceeds.

Approved February 21, 1862.

AN ACT to establish the Boundary Line between the Towns of Southampton and Easthampton. *Chap. 31.*

Be it enacted, &c., as follows :

The dividing line between the towns of Southampton and Easthampton, so far as the same lies between the old Westfield road, so called, and a point near the north-west corner of the town of Southampton, shall be, and the same is, hereby established as follows: commencing on the east bank of the west branch of the Manhan River, in the present line between said towns, (the monument indicating said point to be placed directly opposite on the west bank of said river, on account of the condition of the banks of the stream;) thence down said river on the east side to its junction with the south branch of said river; thence crossing at said junction, to the east side of said south branch; thence up said river on the east side about two hundred and forty rods to a monument erected on land now owned by Solomon A. Wol- Dividing line established.

cott; thence south forty degrees and one-quarter east, four hundred and eighteen rods, to a monument on the line between said towns at the old Westfield road, so called.

Approved February 21, 1862.

[1861, 63.]

Chap. 32. AN ACT to extend the Time for constructing the Road of the Salem and South Danvers Railroad Company, and to increase its Capital Stock.

Be it enacted, &c., as follows:

Time extended
two years.

SECTION 1. The time allowed the Salem and South Danvers Railroad Company to construct its road, is hereby extended two years beyond the time allowed by its act of incorporation.

\$25,000 additional
capital stock.

SECTION 2. Said corporation is hereby authorized to increase its capital stock, by adding thereto a sum not exceeding twenty-five thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved February 24, 1862.

[1863, 97; 1864, 284; 1865, 118, 201; 1867, 6.]

[1827, 54; 1833, 78; 1834, 11; 1835, 5; 1844, 85.]

Chap. 33. AN ACT in addition to an Act regulating the Tolls at the Dartmouth Bridge.

Be it enacted, &c., as follows:

Act of 1844, con-
struction of de-
fined.

Nothing contained in the act regulating the rates of toll at the Dartmouth Bridge, chapter eighty-five of the acts of the year eighteen hundred and forty-four, shall be construed to prohibit the taking of tolls at lower rates than prescribed in said act, and upon any terms that shall be deemed by the directors to be for the benefit of the public and of the Dartmouth Bridge Company.

Approved February 25, 1862.

[1861, 11.]

Chap. 34. AN ACT to establish the Boundary Line between the City of Cambridge and the Towns of West Cambridge and Belmont.

Be it enacted, &c., as follows:

Cambridge and
Belmont, divid-
ing line estab-
lished.

SECTION 1. The dividing line between the city of Cambridge and the town of Belmont is hereby altered, and established as follows, to wit: Beginning at the outlet of Fresh Pond, in Alewife Brook, thence following said brook to a point therein, which point is distant from said outlet about four hundred and ninety feet in a straight line, run as the magnetic needle now points, north, six degrees and thirty minutes west; thence following the new channel of said brook, north, seven degrees and forty minutes east, one thousand seven hundred and nineteen feet; thence following said

new channel, north, ten degrees and fifteen minutes east, five hundred and eighty-one feet; thence following said new channel, north, thirty-four degrees and seventeen minutes east, four hundred and seventy-eight feet; thence following said new channel, north, twenty-eight degrees and twenty-four minutes east, about three hundred and thirty-nine feet, to the easterly side of the Lexington and West Cambridge Branch Railroad; thence north-westerly, about one hundred and thirty feet, to the junction of Little River with said Alewife Brook, at the present boundary line between West Cambridge and Belmont. That part of Cambridge which lies westerly and north-westerly of the above described line, is hereby annexed and shall belong to the town of Belmont; and that part of Belmont which lies easterly and south-easterly of the above described line, is hereby annexed and shall belong to the city of Cambridge.

Annexation of
parts of each to
other.

SECTION 2. The dividing line between the city of Cambridge and the town of West Cambridge, is hereby altered, and established as follows, to wit: Beginning at a point in the new channel of Alewife Brook on the easterly side of the Lexington and West Cambridge Branch Railroad, which point is the north-easterly bound of the town of Belmont, as established by the preceding section; thence north, twenty-eight degrees and twenty-four minutes east, about one hundred and seventy-five feet to a point in the new channel of said brook; thence north, fifty-five degrees and forty-two minutes east, five hundred and ninety-eight feet to a point in said new channel; thence north, forty-seven degrees and twenty minutes east, three hundred and sixty-nine feet, to a point in said brook; thence north, seventy-one degrees and thirty-nine minutes east, three hundred and fifty-nine feet to a point in said brook; thence following said brook, south, eighty-two degrees and thirty-nine minutes east, four hundred and thirty-six feet to a point in said brook; thence following said new channel, north, sixty-five degrees and forty-one minutes east, five hundred feet to the south-westerly line of North Avenue; thence following said brook, in the most direct channel, to the point where the dividing line between Cambridge and Somerville intersects the boundary line between West Cambridge and Somerville. That part of Cambridge which lies north-westerly and northerly of the above described line, is hereby annexed and shall belong to the town of West Cambridge; and that part of West Cambridge which lies south-easterly and southerly of the above described line, is hereby annexed and shall belong to the city of Cambridge.

Cambridge and
West Cambridge,
line between
established.

Annexation of
parts of each to
other.

Rights of citizens
and control of
fisheries, Act not
to affect.

SECTION 3. Nothing contained in this act shall affect the rights and privileges of the inhabitants of said city of Cambridge and said towns of Belmont and West Cambridge, in said Alewife Brook, and their regulation and control of the fisheries therein.

SECTION 4. This act shall take effect upon its passage.

Approved February 25, 1862.

[1835, 10; 1848, 32; 1850, 191; 1854, 338; 1855, 313; 1856, 189, 272; 1857, 95; 1860, 14, 96; 1861, 118.]

Chap. 35. AN ACT relating to Commissioners on Shade Trees and Public Grounds in the City of Worcester.

Be it enacted, &c., as follows :

Election and tenure of office of commissioners.

SECTION 1. The city council of Worcester is hereby authorized to elect, by joint ballot, in convention, a board of three commissioners, to hold office, one for the term of three years, one for the term of two years, and one for the term of one year; and after the first election, one member thereof shall be elected each and every year, in the month of January, to hold office for the term of three years, who shall have the sole care, superintendence and management of the public grounds belonging to said city of Worcester, and of all the shade and ornamental trees standing and growing thereon, and also of all the shade and ornamental trees standing and growing in or upon any of the public streets and highways of said city; but said board, or any member thereof, after having had an opportunity to be heard in his or their defence, may be removed at any time, by a concurrent vote of two-thirds of each branch of the city council; and in case of a vacancy in said board of commissioners, by death, resignation, removal or otherwise, such vacancy shall be filled by the choice of another commissioner, in the manner aforesaid, who shall hold his office for the remainder of the term for which the member in whose place he shall be elected would have held the same. Said board may be organized by the choice of a chairman and secretary from their own number, and a major part of said board shall constitute a quorum for the transaction of business.

Powers and duties.

May be removed after hearing, and successors chosen.

Organization and quorum.

May lay out grounds, construct paths, and plant and preserve trees.

SECTION 2. The said board of commissioners shall lay out said public grounds or such part thereof as they shall from time to time judge proper; and it shall be the duty of said commissioners, from time to time, as appropriations shall be made therefor by the city council, to cause all necessary paths and avenues to be constructed therein, and to cause said public grounds to be planted and embellished with trees, as they shall think proper; and said commissioners shall also cause such shade and ornamental trees to be

planted in and upon said public streets and highways in said city as they shall think proper, and as appropriations shall be made therefor by the city council, and shall adopt and use all necessary and proper means to preserve the same, and promote the growth thereof. And said board may make all necessary by-laws and regulations in the execution of their trust, not inconsistent with this act, and the laws of the Commonwealth, as they shall deem expedient.

May make by-laws.

SECTION 3. Said board of commissioners shall, annually, in the month of January, and whenever required by the city council, make and render a report of all their acts and doings, and of the condition of the public grounds and shade and ornamental trees thereon, and on said streets and highways, and an account of receipts and expenditures for the same.

Reports, annual and occasional.

SECTION 4. The mayor and aldermen of said city shall insert in the warrant for the next annual meeting for the election of state officers, an article requesting the legal voters of said city in their respective wards, to give in their written votes upon the question whether they will accept this act, and if a majority of the votes given upon said question shall be in the negative, then this act shall be null and void.

Mayor and aldermen to submit question of acceptance of Act to voters.

Approved February 25, 1862.

[1862, 148; 1863, 72; 1864, 61, 104; 1865, 196; 1866, 199; 1867, 106, 269; 1868, 195.]

[1849, 190; 1855, 362.]

AN ACT to authorize the Town of Malden to Maintain a Bridge.

Chap. 37.

Be it enacted, &c., as follows :

SECTION 1. The Edgeworth Company, incorporated by an act passed May first, eighteen hundred and forty-nine, is hereby authorized to transfer to the town of Malden all its rights to construct and maintain a bridge over Malden Creek, with all the privileges and restrictions pertaining thereto, as specified in section second of said act: *provided*, this act shall in no manner affect any suit, or the legal rights of any parties against the inhabitants of said Malden, or said Edgeworth Company.

Transfer of rights by Edgeworth Company authorized.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved February 25, 1862.

AN ACT to incorporate the Pneumatic Drill Company.

Chap. 38.

Be it enacted, &c., as follows :

SECTION 1. Herman Haupt, Stuart Gwynn, Edward Hamilton, their associates and successors, are hereby made a corporation, by the name of the "Pneumatic Drill Company," for the purpose of manufacturing and dealing in a patented Pneumatic Drilling Engine, invented by Stuart

Corporators.

Name and purpose.

Gwynn and others ; and also for the purpose of purchasing, holding and selling rights under said patent, to manufacture and use said machines.

Location.

Capital stock.

Powers and duties.

SECTION 2. Said company shall be located in the county of Suffolk, shall have a capital stock not exceeding two hundred and fifty thousand dollars, and shall be subject to all the duties, restrictions and liabilities, and possess all the powers and privileges, set forth in the sixtieth and sixty-eighth chapters of the General Statutes.

SECTION 3. This act shall take effect upon its passage.

Approved February 26, 1862.

Chap. 39. AN ACT to confirm certain Acts done by Alfred W. Paul, as Justice of the Peace.

Be it enacted, &c., as follows :

Acts made valid.

SECTION 1. All acts done by Alfred W. Paul, of Dighton, in the county of Bristol, as a justice of the peace within and for said county of Bristol, between the twenty-first day of April, in the year eighteen hundred and fifty-six, and the twenty-third day of December, in the year eighteen hundred and sixty-one, are hereby made valid and confirmed, to the same extent as they would have been valid had he been, during that interval, duly qualified to discharge the duties of said office.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1862.

Chap. 41. AN ACT to change the Name of the Associate Reformed Presbyterian Church in Fall River.

Be it enacted, &c., as follows :

Name changed.

The Associate Reformed Presbyterian Church in Fall River, shall hereafter be called and known by the name of the United Presbyterian Church in Fall River.

Approved February 28, 1862.

Chap. 42. AN ACT in relation to the Fall River Union Bank.

Be it enacted, &c., as follows :

Directors, present board of may continue until next annual election.

SECTION 1. The present board of directors of the Fall River Union Bank, a banking corporation located in the town of Fall River, Rhode Island, which on the first day of March, in the year one thousand eight hundred and sixty-two, will become a part of the territory of this Commonwealth, may continue in office till the next annual election of directors, notwithstanding certain members thereof may be citizens of, and residents in, the state of Rhode Island ; and the said bank is authorized hereafter to choose two of its directors, citizens of and residents in said state.

Two residents of R. I. may be chosen hereafter.

SECTION 2. This act shall take effect on the first day of March, in the year one thousand eight hundred and sixty-two.

When to take effect.

Approved February 28, 1862.

AN ACT to incorporate the Massachusetts Colonization Society.

Chap. 44.

Be it enacted, &c., as follows :

SECTION 1. William Ropes, B. C. Clark, Albert Fearing, Abraham R. Thompson, G. W. Blagden, James C. Dunn and Ezra S. Gannett, their associates and successors, are hereby made a corporation by the name of the Massachusetts Colonization Society, the object of which shall be to colonize on the coast of Africa, free people of color with their own consent ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. The said corporation may hold real and personal estate to an amount not exceeding three hundred thousand dollars.

Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved February 28, 1862.

[1827, 131; 1828, 67; 1830, 58; 1848, 89; 1849, 217; 1853; 220; 1854, 150.]

AN ACT to reduce the Capital Stock of the Central Bank in Worcester.

Chap. 45.

Be it enacted, &c., as follows :

SECTION 1. The president, directors and company of the Central Bank in Worcester, are hereby authorized to reduce their present capital stock to the sum of two hundred and fifty thousand dollars: *provided, however*, that no dividends of any part of the present capital stock of said bank shall be made, nor shall this act be in force, until the bank commissioners shall have certified their opinion, in writing, to the governor and council, that the said corporation has sufficient funds for the payment of all notes, bills, deposits and other demands existing against it, and that, after the payment thereof, the net sum of two hundred and fifty thousand dollars will remain in said bank as capital stock, in funds available for all usual and proper banking purposes.

Reduction authorized.

Proviso.

SECTION 2. To reduce said capital stock as aforesaid, the said corporation may purchase and extinguish so many shares therein, as may be necessary, so that each of the remaining shares shall be of the par value of one hundred dollars.

Shares, number of and par value.

SECTION 3. Upon the delivery of said certificate by said commissioners, as aforesaid, all the rights, duties and liabilities of said corporation shall have relation to, and be governed by, said reduced capital of two hundred and fifty

Powers, duties and liabilities.

thousand dollars; and until the delivery of such certificate, the said corporation shall pay into the treasury of the Commonwealth, the tax required by law to be paid on the present capital stock of said bank.

SECTION 4. This act shall take effect upon its passage.

Approved February 28, 1862.

Chap. 46.

AN ACT in relation to the Pocasset Bank.

Be it enacted, &c., as follows:

Present board of directors may continue until next annual election.

Two residents of R. I. may be chosen hereafter.

When to take effect.

SECTION 1. The present board of directors of the Pocasset Bank, a banking corporation located in the town of Fall River, Rhode Island, which, on the first day of March, in the year one thousand eight hundred and sixty-two, will become a part of the territory of this Commonwealth, may continue in office till the next annual election of directors, notwithstanding two members thereof may be citizens of, and residents in the state of Rhode Island; and the said bank is authorized hereafter to choose two of its directors, citizens of, and residents in, said state.

SECTION 2. This act shall take effect on the first day of March, in the year one thousand eight hundred and sixty-two.

Approved February 28, 1862.

[1857, 87.]

Chap. 47. AN ACT to prohibit Seining near the Outlet of Lagoon Pond in Dukes County.

Be it enacted, &c., as follows:

Seining fish prohibited.

Penalty for violation.

SECTION 1. No person shall set, draw or use any seine for taking fish within fifty rods of the dike, creek or outlet, of Lagoon Pond, in Dukes County, without first obtaining permission to do so, from the Lagoon Pond Company, in Dukes County.

SECTION 2. Any person violating this act, shall, on conviction, pay a fine of twenty dollars, to be recovered before any court competent to try the same, for the use of said company.

SECTION 3. This act shall take effect upon its passage.

Approved February 28, 1862.

[1861, 187; 1862, 2.]

Chap. 48. AN ACT for the regulation of Suits at Law affected by the Establishment of the Boundary Line between the States of Massachusetts and Rhode Island, and for other Purposes.

Be it enacted, &c., as follows:

Suits in law or equity depending in the courts March first, in Massachusetts, to continue, notwithstanding residence of parties.

SECTION 1. All civil actions, suits and other cases in law or equity, of whatsoever name or nature, depending in any of the courts of this Commonwealth on the first day of March next hereafter, may continue and be prosecuted to final judgment or decree therein, subject to the conditions

and limitations hereinafter provided, notwithstanding that the subject-matter shall exist, or both or either of the parties reside or be, in the territory, which, in virtue of a decree of the supreme court of the United States, entered December sixteenth, one thousand eight hundred and sixty-one, to take effect on said first day of March, it is determined shall then cease to be deemed a part of the state of Massachusetts, and shall be deemed a part of the state of Rhode Island.

SECTION 2. All such depending cases, of which, by reason of their subject-matter, or the relation of parties, the courts of this Commonwealth would not have jurisdiction if they had been instituted after the taking effect of said decree of the supreme court of the United States, may nevertheless be proceeded in to final judgment or decree in said courts of this Commonwealth, the same as if the said decree of the supreme court had not been made, but, in any such case, the court, in which the same is depending, may, on consent of the parties, filed in writing, at any time before final judgment or decree, order the said case to be transferred to the proper court of the state of Rhode Island, for such proceedings therein as to comity and right shall appertain; and after said consent and order, the said court shall, at the request and cost of either party, cause to be made copies duly certified of the process and papers, and all other proceedings in the said case, to be delivered to the said party; and upon proof being filed that such case has been entered, within six months after the date of the order of transfer, in the proper court of the state of Rhode Island, all further proceedings in the case shall cease in the courts of this Commonwealth: *provided*, that such transfer may, in the discretion of the court, be made on the motion of either party, at any time before final judgment or decree, in cases where both the parties are resident, and the subject-matter of the suit is situated, in the territory, which by said decree of the supreme court of the United States ceases to be subject to the jurisdiction of this Commonwealth.

Decree of S. C. of U. S. not to bar proceedings.

Case may be transferred to proper court in R. I.

Proviso.

SECTION 3. It shall be lawful for the proper courts of this Commonwealth to entertain jurisdiction of all civil actions, suits and matters in law or equity, of whatsoever name or nature, lawfully depending, on or before the first day of March next, in the courts of the state of Rhode Island, in and for such portion of the territory of said state as by the aforesaid decree of the supreme court of the United States is from that day to be deemed in law a part of the territory of this Commonwealth, and whether such suits affect persons, property or other rights: *provided*, that

Suits depending in courts of R. I., jurisdiction.

Proviso.

In case court in R. I. retain jurisdiction, certified copy of decree to be filed in S. J. C. for Bristol Co.

Proceedings upon execution.

Insolvency proceedings commenced in Massachusetts to continue.

Proviso.

Proceedings commenced in R. I.

Attachments of property, and bail taken, in cases transferred to Mass., how maintained.

the plaintiff or defendant in such suit shall, at any time before final judgment or decree in said case in the courts of Rhode Island, have filed in such proper court of this Commonwealth copies of the process, papers and other proceedings in the same, under the hand and seal of the clerk of the said court of the state of Rhode Island in which the said case may be depending, or of the court itself if it have no clerk, whereupon such case shall proceed in the courts of this Commonwealth the same as if originally instituted therein. But if, in any such case depending as aforesaid, in the courts of Rhode Island, the said courts shall retain jurisdiction after the first day of March next, and proceed to final judgment or decree therein, in such event the said judgment or decree, being duly certified, may be entered in the supreme judicial court of the county of Bristol, either in term time or vacation, provided the same shall be done within six months after the date of said judgment or decree; and, upon the order of said court or of any justice thereof, the clerk of said court, in said county, shall issue execution or any other lawful process to give due effect to such judgment or decree, the same as if said judgment or decree had been rendered by the courts of this Commonwealth.

SECTION 4. All proceedings in insolvency instituted in the proper courts of this Commonwealth, shall be and continue therein, to all intents and purposes, and in the same manner, as if the aforesaid decree of the supreme court of the United States had not been made, notwithstanding that the persons or property affected by such proceedings are resident or situated in the territory by said decree decreed to the state of Rhode Island: *provided*, that the state of Rhode Island shall make due provision by law to give effect to such proceedings as to persons and property within said territory. All proceedings in insolvency, instituted in the proper courts of the state of Rhode Island, prior to the first day of March next, shall continue therein, affecting persons and property resident or situated in the territory in which said courts have heretofore held jurisdiction, but which by said decree of the supreme court is on that day deemed to be a portion of this Commonwealth, and shall have the same force and validity as if said decree had not been passed.

SECTION 5. Whenever, in the class of cases as to which provision is herein before made for the transfer thereof, or for certificate of judgment or decree therein, from the courts of the state of Rhode Island to those of this Commonwealth, attachment of property shall have been made, or bail or other security taken, then such attachment or liability of

bail or other security shall continue and be maintained in full force in this Commonwealth, as follows, to wit: If said cause shall be transferred to and entered in the courts of this Commonwealth to be prosecuted therein, then such attachment shall continue in the same manner, and with the same force and effect, as if the suit had been originally brought in this Commonwealth; and if the case shall be retained to final judgment or decree in the courts of the state of Rhode Island, and said judgment or decree certified from the courts of the state of Rhode Island to the courts of this Commonwealth for execution, then the attachment shall continue and be in full force until thirty days after entry of order for execution consequent on the filing of a certified copy of said judgment or decree in the supreme judicial court for the county of Bristol, provided that the said entry shall have been made on or before the term of said supreme judicial court holden next after thirty days from the date of such decree or judgment, and that such order for execution shall have been made within thirty days after the first day of said term. And, in all cases, the liability of bail or other security, whether the case be transferred to the courts of this Commonwealth or continued in those of Rhode Island, shall be the same as if no change of jurisdiction had occurred under the decree aforesaid of the supreme court of the United States.

SECTION 6. The judge of probate of the county of Bristol, at any time after the first day of March next, shall, on application to him made by any person thereto duly authorized by the governor of the state of Rhode Island or otherwise by authority of the general assembly thereof, order the delivery to such person, of certified copies of all papers or documents, and transcripts of all bonds, returns and other proceedings in any matters of probate pending before him or in the registry of probate of said county, appertaining to the settlement or distribution of estates, execution of wills, custody of wards or their property, or other probate matter in and for that part of the territory heretofore of the jurisdiction of this Commonwealth, and which by the aforesaid decree of the supreme court of the United States passes to that of the state of Rhode Island; and the said judge of probate may in his discretion deliver to such person the original of wills or other papers as aforesaid: and all such papers and proceedings shall remain on the files of said judge of probate or register until removed therefrom on said application by authority of the governor of Rhode Island, or otherwise by authority of the general assembly of said state.

Judge of probate of Bristol Co, to deliver transcripts of certain papers to agent of R. I.

Probate matters depending in R. I. to be continued in Mass.

SECTION 7. All matters of probate of wills, trusts, settlements of estates or other matters of probate resort, depending on the first day of March next, in the proper courts of probate of the state of Rhode Island, in or for so much of the territory heretofore in the jurisdiction of the state of Rhode Island as by the aforesaid decree of the supreme court of the United States, is on that day to be deemed a part of this Commonwealth, may and shall have day and continue and be with all due legal effect in the proper courts of probate of this Commonwealth, as fully as if the same had been originally instituted therein; and in regard to all such matters, including orders, notices, sales or other acts whatsoever, the said courts of probate of this Commonwealth shall be deemed and held in law to be the continuation and succession of the said courts of the state of Rhode Island.

Real estate of deceased intestates dying before March 1, and personal estate of residents, in territory ceded to Mass., to be settled under laws of R. I.

SECTION 8. All real estate left by persons who shall have died intestate before the first day of March next, and which may lie or be within the limits of the territory, which by the decree of the supreme court aforesaid passes on that day from the jurisdiction of the state of Rhode Island to that of this Commonwealth, and all personal estate of persons domiciled in said territory, shall be distributed or settled among the heirs-at-law, or legal representatives of such intestate, or other persons entitled, agreeably to the laws of the state of Rhode Island, which laws shall have the same force and effect in this Commonwealth in the settling and distributing of such intestate estates, as if they were laws of the same duly made, and shall be so adjudged by all judges and ministers of justice in this Commonwealth. And the proper courts of probate of this Commonwealth are hereby fully empowered and required to complete the distribution and settlement of such intestate estates as aforesaid, which shall yet remain unsettled, in the same manner and as fully and effectually in all respects as the same could have been by the courts of probate of the state of Rhode Island, if the said territory had remained within the jurisdiction of the said state. And all wills, devises and bequests of property, real or personal, made before said first day of March, by any person domiciled in said territory at the time of making the same, shall be governed by the same rules of law, and have the same effect, in this Commonwealth, and be continued and executed by the proper courts thereof, in the same manner as if the said territory were and continued to be within the jurisdiction of the state of Rhode Island.

Courts of probate in Mass., powers and duties defined.

Grants and conveyances under laws of R. I. to be judged valid.

SECTION 9. All grants and conveyances of lands and property heretofore made by the lawful authorities of the colony or state of Rhode Island and Providence Plantations,

or by any commissioner, agent or person by them or either of them, lying within the territory heretofore deemed of the jurisdiction of the state of Rhode Island, but which by the aforesaid decree of the supreme court of the United States, is to be deemed of the jurisdiction of this Commonwealth, shall be as good, valid and effectual, to all intents and purposes whatsoever, to the grantees, their heirs and assigns, as if the lands and property so granted had really been situated in the colony or state by whom or by whose authority the same was made; and shall hereafter be so adjudged and construed in all courts of judicature of this Commonwealth.

SECTION 10. All valid claims for uncollected taxes and liens for taxes on estate, real or personal, situated in the territory which, on the first day of March next, by the said decree of the supreme court of the United States ceases to be subject to the jurisdiction of the state of Rhode Island and becomes subject to that of this Commonwealth, which liens shall before that day have attached to such estate by the laws of Rhode Island, shall continue for the same period of time as if no such change of jurisdiction had occurred; and such taxes may be prosecuted to collection and such lien be enforced in this Commonwealth, by the lawful authorities of the same, but for the benefit of the corporation or persons originally entitled thereto by the laws of the state of Rhode Island.

Claims for uncollected taxes shall continue.

SECTION 11. All grants, deeds, conveyances and evidences whatsoever of title or interest in estate, real or personal, made prior to the first day of March next, of any lands or other property within the territory heretofore deemed of the jurisdiction of the state of Rhode Island, but by the said decree of the supreme court of the United States declared to be of that of this Commonwealth, which shall prior to said day have been executed and registered according to the laws in force there at the time of making the same, shall be adjudged and deemed as good, valid and effectual to all intents and purposes whatsoever, as if the same had been made, executed and recorded within and according to the laws of this Commonwealth; and copies of all such grants, deeds, conveyances and evidences, attested by the proper officers where the same are registered, shall be received as lawful evidence by all courts of this Commonwealth, to the same intent as copies of deeds properly executed and recorded in this Commonwealth. And all deeds, grants or other instruments, conveying real or personal estate lying within the territory described in this section, executed according to the laws of Rhode Island and not recorded before the said first

Grants, conveyances and evidences made prior to March 1, under laws of R. I., to be deemed valid in Mass.

Deeds and other instruments not filed for record before March 1, may be recorded in Mass.

day of March, may be recorded in the proper recording office of this Commonwealth, notwithstanding the same may not be executed in accordance with the laws of the same, and shall be of the same force and effect as if executed according to the laws of this Commonwealth.

Contracts, deeds, etc., to have same construction in Mass. as in R. I.

SECTION 12. All contracts, in writing or parole, made before the first day of March next, within that part of the territory theretofore under the jurisdiction of the state of Rhode Island, which, in virtue of the said decree of the supreme court of the United States, is thereafter to be deemed a part of this Commonwealth, and all deeds or other conveyances of lands or other property situated in said territory, and made before said day, shall have the same construction and effect in law and equity in the courts of this Commonwealth, as they would have had in the courts of the state of Rhode Island; and if legal and valid by the laws of Rhode Island, such deeds, contracts or conveyances shall not subject the grantor or maker thereof to any legal consequences other than such as he may have been subject to by the laws of Rhode Island.

Newport and Fall River Railroad Company, existing rights confirmed.

SECTION 13. It is hereby declared that the right of the Newport and Fall River Railroad Company to locate and build its railroad within the territory, over which the jurisdiction of the state of Rhode Island shall have been exercised prior to the day of the taking effect of said decree of the supreme court of the United States, and which, after said day, will be subject to the jurisdiction of this Commonwealth, shall be and the same is secured to said company, as fully as if said right had been originally granted by this Commonwealth. And all legal proceedings in regard to the location or building of said railroad before commissioners or courts under the charter of said company or the amendments thereof, or the laws of Rhode Island, may be prosecuted and completed in every respect as if the said decree of the supreme court of the United States had not been made; and said proceedings may be transferred to the courts of this Commonwealth before final judgment or decree, or after judgment and decree certified to the same for execution, in the same manner and to the same effect as is herein before provided for other cases depending in the courts of the state of Rhode Island.

Criminal proceedings in Massachusetts, course of, defined.

SECTION 14. All indictments, or other criminal proceedings, depending in the courts of this Commonwealth, may be proceeded in the same as if said decree of the supreme court of the United States had not been made; provided only that the crime shall have been committed within the

limits of the Commonwealth, as heretofore defined prior to said decree, and also that the criminal party or his recognizers, or either of them, shall have been within the jurisdiction of the Commonwealth. And it shall be lawful for the proper courts and ministers of justice in this Commonwealth to take cognizance of crimes at common law, committed before the first day of March next, in the territory over which the state of Rhode Island has heretofore exercised jurisdiction, but which by virtue of said decree of the supreme court is on that day to be deemed a part of this Commonwealth, for which crimes the persons committing the same shall not have been prosecuted before that day; and said courts may take jurisdiction of all complaints and indictments made or found after that day against such persons, and the same shall be continued and prosecuted in said court to final judgment and sentence: *provided*, such court shall not impose any greater sentence or penalty for the punishment of crimes so committed than, at the time when the crime was committed, could have been imposed for the punishment thereof by the proper courts of the state of Rhode Island.

Crimes committed prior to Mar. 1, cognizance of.

Subsequent offences.

Proviso.

SECTION 15. The commissioner, appointed or to be appointed by the supreme judicial court of this Commonwealth, in virtue of the act of the present session, entitled "An Act in relation to the Town of Seekonk," shall act in co-operation with any commissioner appointed by the supreme court of the state of Rhode Island; and the said commissioners shall conjointly exercise the powers and perform the acts, which by the said act were imposed upon and to be performed by the commissioner designated therein; and they shall determine the apportionment and appropriation of the taxes assessed by the said town of Seekonk for the year eighteen hundred and sixty-one, whether collected or uncollected, between the inhabitants of said town, who on and after the first day of March will continue to be the town of Seekonk in this Commonwealth, and those who will become subject to the jurisdiction of the state of Rhode Island; and the said commissioners shall conjointly determine all the questions, which by the act aforesaid were to have been determined by the commissioner therein designated, and any question which may arise between the aforesaid inhabitants of said town of Seekonk in the execution of the act of this Commonwealth, approved April tenth, one thousand eight hundred and sixty-one, entitled "An Act in relation to the Rhode Island Boundary," which act, as the basis of the assent of this Commonwealth to the rendition of the aforesaid decree of the supreme court of the United States, is to govern the

Commissioners appointed by S. J. courts of Mass. and R. I. to determine assessment and appropriation of taxes by town of Seekonk for 1861, and questions arising under former Act.

Disagreement,
how determined.

Report of com-
missioners to be
final.

Expenses.

action of said commissioners. And, in case the said commissioners shall fail to agree on any point, they may choose a third commissioner as umpire to determine all questions on which they shall have disagreed. And the report of said commissioners, or of any two of them, made, at their election, to the supreme judicial court of this Commonwealth, or to the supreme court of the state of Rhode Island, whether before or after the first day of March next, and accepted by the same, shall be final. And of all the costs and expenses of said commissioners, one-half part and no more shall be defrayed out of the treasury of this Commonwealth, on the certificate of the attorney-general, and the governor shall draw his warrant for the same.

SECTION 16. This act shall take effect on its passage.

Approved February 26, 1862.

[1862, 105, 153.]

Chap. 49.

AN ACT in relation to the Savings Bank located in Fall River.

Be it enacted, &c., as follows :

Directors, pres-
ent board may
continue until
next annual
election.

SECTION 1. The present officers of the Savings Bank, a banking corporation located in the town of Fall River, Rhode Island, which on the first day of March in the year one thousand eight hundred and sixty-two, became a part of the territory of this Commonwealth, may continue to fill their respective offices, until the next annual meeting for the election of officers, notwithstanding certain of them may be citizens of and residents in the state of Rhode Island: present members of the corporation of said bank may continue in that capacity, and, while members thereof, be eligible to any office thereof, though they may be citizens of and residents in said state: *provided*, that a majority of the board of trustees, and all the members of the board of investment, shall always be citizens of Massachusetts.

Provide

Name.

SECTION 2. Said savings bank shall hereafter be known and called by the name of "The Citizens' Savings Bank."

SECTION 3. This act shall take effect upon its passage.

Approved March 1, 1862.

. [1822, 114; 1833, 175; 1842, 25; 1847, 134.]

Chap. 52.

AN ACT to continue in force an Act to incorporate the Boston Insurance Company.

Be it enacted, &c., as follows :

Corporation con-
tinued without
limitation of
time.

SECTION 1. The act of the year one thousand eight hundred and twenty-three, incorporating the Boston Insurance Company, which was continued in force until the eleventh day of February, in the year one thousand eight hundred and sixty-three, by an act passed in the year one thousand

eight hundred and forty-two, with any acts in amendment thereof, or in addition thereto, shall be continued in force from and after the said eleventh day of February, in the year one thousand eight hundred and sixty-three.

SECTION 2. Said company shall have all the powers and privileges, and no other, and be subject to all the duties, restrictions and liabilities, set forth in the general laws in relation to corporations and insurance companies, which have been, or may hereafter be enacted, in the same manner as if the original charter had been granted after the eleventh day of March, in the year one thousand eight hundred and thirty-one. Powers and duties.

Approved March 1, 1862.

[1822, 80; 1842, 4.]

AN ACT to continue in force an Act incorporating the Franklin Insurance Company. Chap. 53.

Be it enacted, &c., as follows:

SECTION 1. The act of the year one thousand eight hundred and twenty-three, incorporating the Franklin Insurance Company, which was continued in force by the act passed in the year one thousand eight hundred and forty-two, until the tenth day of February, in the year one thousand eight hundred and sixty-three, with any acts in amendment thereof or in addition thereto, shall be continued and remain in force from and after said tenth day of February, in the year one thousand eight hundred and sixty-three. Corporation continued without limitation of time.

SECTION 2. Said company shall have all the powers and privileges, and no others, and be subject to all the duties, liabilities and restrictions set forth in the general laws in relation to corporations and insurance companies, which have been or may hereafter be enacted, in the same manner as if the original charter had been granted after the eleventh day of March, one thousand eight hundred and thirty-one. Powers and duties.

Approved March 1, 1862.

[1823, 85; 1836, 262; 1843, 62; 1859, 92.]

AN ACT to continue in force an Act to incorporate the Washington Insurance Company. Chap. 54.

Be it enacted, &c., as follows:

SECTION 1. The act of the year one thousand eight hundred and twenty-four, to incorporate the "Washington Fire and Marine Insurance Company," which was continued in force until the seventh day of February, in the year one thousand eight hundred and sixty-four, under the name of the Washington Insurance Company, by an act passed in the year one thousand eight hundred and forty-three, with any acts in amendment thereof, or in addition thereto, shall be Corporation continued without limitation of time.

continued in force from and after the said seventh day of February, in the year one thousand eight hundred and sixty-four.

Powers and duties.

SECTION 2. Said company shall have all the powers and privileges, and no others, and be subject to all the duties, restrictions and liabilities, set forth in the general laws in relation to corporations and insurance companies, which have been, or may hereafter be enacted, in the same manner as if the original charter had been granted after the eleventh day of March, in the year one thousand eight hundred and thirty-one.

Approved March 1, 1862.

[1822, 111; 1842, 23; 1844, 170.]

Chap. 55. AN ACT to continue in force an Act to incorporate the Mercantile Marine Insurance Company.

Be it enacted, &c., as follows :

Corporation continued without limitation of time.

SECTION 1. The act of the year one thousand eight hundred and twenty-three, incorporating the Mercantile Marine Insurance Company, which was continued in force until the eleventh day of February, one thousand eight hundred and sixty-three, by an act passed in the year one thousand eight hundred and forty-two, with any acts in addition thereto, or in amendment thereof, shall be continued and remain in force, from and after the said eleventh day of February, one thousand eight hundred and sixty-three.

Powers and duties.

SECTION 2. Said company shall have all the powers and privileges, and no other, and be subject to all the duties, liabilities and restrictions, set forth in the general laws in relation to corporations and insurance companies, which have been or may hereafter be enacted, in the same manner as if the original charter had been granted after the eleventh day of March, in the year one thousand eight hundred and thirty-one.

Approved March 1, 1862.

[1861, 65.]

Chap. 56. AN ACT to authorize the Town of Williamsburg to take Stock in the Northampton and Shelburne Falls Railroad Company.

Be it enacted, &c., as follows :

May take stock not exceeding two per cent. of valuation of town.

The town of Williamsburg, in the county of Hampshire, is hereby authorized to subscribe for shares in the capital stock of the Northampton and Shelburne Falls Railroad Company, to an amount not exceeding two per centum on the amount of its last valuation, and to pay for the same out of the town treasury, and hold the same as town property, subject to the disposition of the town for public purposes, in like manner as any other property which it may possess: *provided*, the inhabitants of said town, at a legal meeting

Proviso.

called for that purpose, shall vote to subscribe for such shares in accordance with the terms of this act.

Approved March 6, 1862.

[1863, 69, 210; 1866, 66, 96; 1867, 159; 1868, 305.]

AN ACT for the Protection of Trout in Maple Spring Pond, in the Town of Wareham. *Chap. 58.*

Be it enacted, &c., as follows :

SECTION 1. No person shall take any trout in Maple Spring Pond, in the town of Wareham, or in the waters running into or flowing therefrom, from the fifteenth day of September in each year, to the fifteenth day of April in the year next ensuing; nor shall any person take any trout therefrom except by hooks and lines, nor without permission of the proprietor or proprietors. Taking trout prohibited from September to April.

SECTION 2. Any person offending against the provisions of this act, shall forfeit and pay a fine of one dollar for each trout taken, to be recovered by prosecution before any trial justice in the county of Plymouth. Permits and conditions.

Approved March 6, 1862.

[1868, 110.]

[1856, 156.]

AN ACT concerning the Hampden East Agricultural Society. *Chap. 60.*

Be it enacted, &c., as follows :

The Hampden East Agricultural Society shall hereafter commence its annual fair on the second Tuesday of October, in each year. Annual fair.

Approved March 7, 1862.

[1821, 110; 1822, 85, 107; 1823, 2; 1824, 28, 49; 1829, 80; 1830, 7; 1831, 38; 1838, 123; 1850, 167; 1851, 337; 1852, 266; 1853, 354; 1854, 448.]

AN ACT concerning the Harbor-Master of the Port of Boston. *Chap. 64.*

Be it enacted, &c., as follows :

SECTION 1. The harbor-master for the port of Boston shall hereafter be appointed by the mayor and aldermen of the city of Boston, instead of the city council of said city; and he shall continue to have all the powers, and be subject to all the duties, liabilities and obligations, which now appertain by law to the said office. Appointment by mayor and aldermen, instead of council.

SECTION 2. The city council of the city of Boston may make and ordain all such ordinances, rules, orders and regulations for prescribing the duties, and controlling the action of the said harbor-master, as they shall deem expedient: *provided*, such ordinances, rules, orders and regulations, are not repugnant to law; and they may, if they shall deem it expedient, provide by ordinance for adding to the duties of the said harbor-master the duties of captain of the harbor police. Council may prescribe duties of harbor-master.

Proviso.

Duties of captain of police may be added.

Repeal.

SECTION 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

When to take effect.

SECTION 4. This act shall take effect as soon as the same shall be accepted by the city council of the city of Boston.

Approved March 11, 1862.

[1699, 9; Special Laws, vol. 1, p. 15; 1807, 74; 1809, 41; 1817, 49; 1838, 166; 1860, 95.]

Chap. 65. AN ACT in relation to the Rebuilding and Future Support of "Cambridge Great Bridge."

Be it enacted, &c., as follows:

Cambridge and Brighton, to rebuild.

SECTION 1. The city of Cambridge, and the inhabitants of the town of Brighton, are hereby authorized and required to rebuild the "great bridge," over Charles River, between the city of Cambridge and the town of Brighton, in a substantial and proper manner; the same to be made of the width of twenty-eight feet, with a draw in the centre thereof, at an equal distance from each abutment, of not less than thirty-two feet in width, and with the necessary and proper draw-piers, one above and one below said bridge. The expense incurred in such rebuilding of the bridge and piers shall be borne by said city of Cambridge and said town of Brighton in proportion to the respective valuations of said city and town; but all the additional expense incurred in deepening the channel below said bridge, so as to admit of placing the draw in the centre of said bridge, shall be borne equally by said city and town.

Dimensions and draws.

Expense.

Dividing line of towns.

SECTION 2. The bridge, when it shall have been rebuilt as aforesaid, shall be divided by a line along the opening in the middle of said draw, at an equal distance from each abutment, and said line shall forever be the dividing line between Cambridge and Brighton at that point.

Maintenance and repairs by towns, defined.

SECTION 3. So much of said bridge and draw as shall lie south-westerly of said dividing line, together with the most southerly pier, shall be forever supported, maintained and repaired, and the south-westerly half of the draw shall be raised by, and at the expense of, said town of Brighton; and so much of said bridge and draw as shall lie north-easterly of said dividing line, together with the most northerly pier, shall be forever supported, maintained and repaired, and the north-easterly half of the draw shall be raised by, and at the expense of said city of Cambridge.

Channel may be deepened.

SECTION 4. For the purpose of placing the draw of said bridge in the centre of the same, as above provided, said city and town are authorized and empowered to deepen the channel in said river, so far as may be necessary for that purpose.

SECTION 5. All acts or parts of acts, inconsistent with the provisions of this act, are hereby repealed. Repeal.

SECTION 6. This act shall take effect upon its passage.

Approved March 11, 1862.

[1861, 222.]

AN Act in addition to an Act in aid of the families of Volunteers, and for other Purposes. Chap. 66.

Be it enacted, &c., as follows :

SECTION 1. Any town or city may raise money by taxation, or otherwise, and, if necessary, apply the same under the direction of its selectmen, or mayor and aldermen, or city council, for the aid of the wife, each child, parent, brother and sister, of and dependent upon any one of the inhabitants of said town or city, who, as a part of the quota of this Commonwealth, has been, or hereafter shall be duly enlisted and mustered into the volunteer service of the United States. Towns may raise and appropriate money.

SECTION 2. Any town or city may raise and apply money as aforesaid, for the aid of such wife, child, parent, brother and sister of any one of its inhabitants, who had been duly enlisted and mustered into said volunteer service as a part of the quota of any other state, before the passage of this act. May apply money for benefit of relatives of citizens in regiments of other States.

SECTION 3. Money raised as aforesaid, may be applied as aforesaid, from and after the time of such enlistment, and while such inhabitant has been, or shall hereafter be actually in said volunteer service ; and all appropriations and expenditures heretofore made, or which shall hereafter be made, by the selectmen, or mayor and aldermen, or city council, of any town or city, for any of the purposes expressed in the foregoing sections, for any persons who have been, or are now in the said service, notwithstanding any actual or supposed irregularity in their original enlistment, are hereby declared valid. Money raised, application defined.

SECTION 4. Of the sums applied as aforesaid, there shall be annually re-imbursed, from the state treasury, to the town or city so applying the same, a sum not exceeding one dollar per week for the wife, and one dollar per week for each child and parent aforesaid : *provided*, that the whole sum so re-imbursed, shall not exceed twelve dollars per month, for all persons named in this section, dependent upon any such inhabitant, at the time he was or shall be duly enlisted and mustered into said volunteer service. Appropriations of cities and towns declared valid.

SECTION 5. On or before the fifth day of January in each year, there shall be deposited in the office of the auditor of the Commonwealth, by each town and city raising and applying money as aforesaid, a full and particular report, setting Re-imbbursement to towns authorized.

Proviso.

Report of town officers, annually, to auditor, of persons aided and money paid.

forth the names of the inhabitants of such town or city, for the aid of whose families money has been applied as aforesaid, the names and ages of the several persons for the aid of whom money has been applied as aforesaid, the relation such persons severally bear to such inhabitants, the sums paid to each of such persons, and the time when the same were paid. And no re-imbursement shall be made from the state treasury to such town or city, as provided in section four of this act, until such report has been sworn to by a majority of the selectmen of such town, or the mayor and a majority of the aldermen of such city, deposited as aforesaid, and carefully examined, scrutinized, and approved by said auditor.

Account to be sworn to, and approved by auditor.

Application of Act defined.

SECTION 6. This act shall not authorize re-imbursing money applied for the aid of any wife, child or parent aforesaid, of any commissioned officer in said volunteer service, nor for the aid of any person dependent upon any volunteers from this state, enlisted into regiments of any other state, who receive aid from such other state.

Inconsistent Acts repealed.

SECTION 7. All acts and parts of acts inconsistent with the provisions of this act, are hereby repealed.

SECTION 8. This act shall take effect upon its passage.

Approved March 18, 1862.

[1862, 166; 1863, 58, 79, 122, 176, 218, 222; 1864, 47; 1866, 172, 282; 1867, 136; 1868, 107, 115.]

[1852, 162; 1855, 19; 1858, 163.]

Chap. 69. AN ACT concerning the Marlborough and Feltonville Branch Railroad Company.

Be it enacted, &c., as follows:

May sell franchise to Fitchburg Company.

SECTION 1. The Marlborough and Feltonville Branch Railroad Company is hereby authorized to sell and convey to the Fitchburg Railroad Company, its franchise, railroad, and other corporate property: *provided*, that any contract of sale shall be ratified by the stockholders of each of said companies at meetings legally called for that purpose.

Proviso.

Powers and duties.

SECTION 2. In case a sale shall be effected in accordance with the provisions of this act, the Fitchburg Railroad Company shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities of said Marlborough and Feltonville Railroad Company, excepting the debts of said company.

In case of sale, corporate powers to continue for certain purposes.

SECTION 3. In case of a sale as hereby authorized, the Marlborough and Feltonville Branch Railroad Company shall continue its corporate existence for the sole purpose of settling its affairs and paying its debts, and shall continue to have all the corporate powers and privileges, and to be subject to all the duties, restrictions and liabilities, set forth

in the sixty-third and sixty-eighth chapters of the General Statutes for the purpose aforesaid.

SECTION 4. This act shall take effect upon its passage.

Approved March 18, 1862.

AN ACT to authorize the raising of Money for the Erection or Enlargement of a Jail and House of Correction in the County of Barnstable. *Chap. 71.*

Be it enacted, &c., as follows :

SECTION 1. The county commissioners for the county of Barnstable, are hereby authorized to borrow, on the credit of the county, in addition to the amount of their estimate for county expenses, for the present year, a sum not exceeding five thousand dollars ; the same to be expended by said commissioners, or their successors in office, in erecting a building, or enlarging the present one, to be used as a jail and house of correction in the town of Barnstable.

County commissioners authorized to borrow \$5,000.

SECTION 2. The county commissioners for said county of Barnstable may, after the present year, apportion for assessment, upon the inhabitants of said county, such proportion of the sum aforesaid, not exceeding two thousand dollars in any one year, as the said commissioners may determine.

May apportion for assessment annually, not exceeding \$2,000.

SECTION 3. This act shall take effect upon its passage.

Approved March 18, 1862.

AN ACT concerning the attaching or mooring of Rafts to any Bridge, Pier or Wharf, in the Harbor of Boston. *Chap. 73.*

Be it enacted, &c., as follows :

SECTION 1. Every person who shall attach or moor any raft or collection of spars, logs, piles, timber or lumber, to any bridge, pier or wharf, in the harbor of Boston, longer than ten hours, without the written consent of the owner thereof, shall, for every such offence, forfeit and pay to such owner, a sum of not less than twenty-five dollars, and five dollars for every successive day during which such attachment or mooring shall be so continued ; and shall be further liable for all damages to such bridge, pier or wharf, caused by such attachment or mooring, or any continuance thereof, to be recovered by an action of tort.

Penalty for infringement longer than ten hours without consent.

Further liability.

SECTION 2. Every person who shall attach or moor any raft, or collection of spars, logs, piles, timber or lumber, to any public bridge, in the harbor of Boston, for more than ten hours, without the permission in writing of the mayor of Boston, shall be liable to a penalty of not less than twenty-five dollars, and five dollars for every succeeding

Penalty for attaching to public bridge more than ten hours without permit from mayor.

day during which such attachment or mooring shall be so continued ; to be recovered by complaint before the police court of the city of Boston. *Approved March 19, 1862.*

[1847, 115; 1850, 225; 1854, 116.]

Chap. 75. AN ACT concerning the People's Mutual Fire Insurance Company in Worcester.

Be it enacted, &c., as follows :

Provisions of
1860, 80, ex-
tended.

SECTION 1. The provisions of chapter ninety of the acts of the year one thousand eight hundred and sixty, entitled "An Act in addition to an Act to incorporate the People's Mutual Fire Insurance Company in Worcester," are hereby extended to the twentieth day of March, in the year one thousand eight hundred and sixty-four.

SECTION 2. This act shall take effect upon its passage.

Approved March 20, 1862.

[1866, 34.]

[1860, 34.]

Chap. 78. AN ACT to authorize the Town of Rockport to take Stock in the Rockport Railroad Company.

Be it enacted, &c., as follows :

May take \$25,000
additional stock.

Proviso.

SECTION 1. The town of Rockport, in the county of Essex, is hereby authorized to subscribe for and hold shares in the capital stock of the Rockport Railroad Company, to the amount of twenty-five thousand dollars, in addition to the amount of such stock now held by said town: *provided*, the inhabitants of said town, at a legal meeting duly called for that purpose, shall, by a vote of two-thirds of the legal voters present and voting thereon, vote to subscribe for such shares in accordance with the terms of this act, to pay for the same out of the town treasury, and to hold the same as town property, subject to the disposition of the town for public purposes, in like manner as any other property which it may possess.

Town may raise
money by loan,
&c.

SECTION 2. The said town of Rockport is hereby authorized to raise, by loan or tax, any sums of money which shall be required to pay its subscriptions to said stock and interest thereon.

SECTION 3. This act shall take effect upon its passage.

Approved March 22, 1862.

Chap. 79. AN ACT to incorporate the East Boston Freight Railroad Company.

Be it enacted, &c., as follows :

Corporators.

Name.

SECTION 1. Samuel S. Lewis, George W. Gordon, Bradford Durfee, George S. Hale, Ammi C. Lombard, Nathaniel Adams, and Seth Bemis, their associates and successors, are hereby made a corporation by the name of the East Boston

Freight Railroad Company, with all the powers and privileges, and subject to all duties, liabilities and restrictions set forth in the sixty-third chapter of the General Statutes.

Powers and duties.

SECTION 2. Said corporation is hereby authorized and empowered to hold by lease or purchase the Grand Junction Railroad, or any part thereof, and use and improve the same, as it has been located and built, and any tracks connecting it with other roads, with all rights, privileges, franchises and appurtenances thereto belonging.

May hold Grand Junction Railroad and use same.

SECTION 3. Said corporation is hereby authorized to connect said road with wharves and docks in Chelsea and East Boston, with the consent of the owners thereof, under the direction and approval of the mayor and aldermen of the respective cities of Chelsea and Boston.

May connect road with wharves and docks.

SECTION 4. The capital stock of the company shall be twenty-five thousand dollars, with the right to increase the same to two hundred thousand dollars; and no share shall be issued at less than the par value thereof.

Capital stock and shares.

SECTION 5. Nothing herein contained shall authorize said corporation to take lands and property without the consent of the legal owners thereof, and no right of any other person or corporation shall be affected by this act, nor shall the Grand Junction Railroad and Depot Company be released from any contract or rights against the same.

Authority of Act defined.

SECTION 6. Nothing contained in this act shall be so construed as to permit the corporation herein named to apply to the supreme judicial court, to appoint commissioners under the one hundred and seventeenth section of the sixty-third chapter of the General Statutes, or to use other roads under the provisions of said chapter.

Application to S. J. Court for appointment of commissioners, and use of other roads, not authorized.

SECTION 7. This act shall take effect upon its passage.

Approved March 22, 1862.

[1864, 264; 1866, 278.]

[1852, 304; 1855, 428.]

AN ACT relating to the Salaries of the Officers of the Police Court in the City of Fall River. *Chap. 92.*

Be it enacted, &c., as follows:

SECTION 1. The judge of the police court in the city of Fall River shall receive an annual salary of twelve hundred dollars; and the clerk of said court shall receive an annual salary of six hundred dollars.

Justice and clerk.

SECTION 2. All acts and parts of acts inconsistent with this act are hereby repealed.

Repeal.

SECTION 3. This act shall take effect on the first day of April next.

Approved March 27, 1862.

Chap. 94. AN ACT for the Protection of Trout in Nye's Pond, in the Town of Sandwich.*Be it enacted, &c., as follows :***Season for taking trout.****Mode of fishing.****Restriction.****Penalty.**

SECTION 1. No person shall take any trout in Nye's Pond, in Sandwich, or the stream running therefrom to Jeremy's Creek, so called, from the first day of August in each year, to the first day of April in the year next ensuing; nor shall any person take any trout therefrom except by hook and line; nor shall any person enter upon the land bordering upon said pond or stream, at any season of the year for the purpose of taking trout, without the written permission of the proprietors.

SECTION 2. Any person offending against the provisions of this act, shall forfeit and pay a fine of one dollar for each trout taken, to be recovered by prosecution before any trial justice in the county of Barnstable.

Approved March 27, 1862.

[1841, 88; 1842, 48; 1843, 30; 1845, 84, 250; 1850, 40; 1851, 105; 1854, 451; 1856, 306.]

Chap. 96.

AN ACT concerning the Lease of a Pier on Warren Bridge.

*Be it enacted, &c., as follows :***Modification of lease for bathing-house.** **proviso.**

The draw-tender for Warren Bridge is hereby authorized to modify, as he shall judge expedient, the terms of the lease, dated April tenth, in the year eighteen hundred and fifty-seven, by which a portion of the pier on the westerly side of Warren Bridge was leased for a bathing-house: *provided*, that such modification shall be approved by the governor and council.

Approved March 27, 1862.

[1864, 257; 1865, 237; 1867, 66; 1868, 322.]

[1852, 276, 315; 1853, 313, 397; 1856, 180; 1857, 239; 1859, 242.]

Chap. 97. AN ACT to unite the Hampshire and Hampden Railroad Corporation of this Commonwealth, with the New Haven and Northampton Company, of the State of Connecticut.*Be it enacted, &c., as follows :***Hampshire and Hampden Railroad may unite with New Haven and Northampton Railroad.****Terms and conditions.**

SECTION 1. The Hampshire and Hampden Railroad Corporation, existing in Massachusetts, is hereby authorized to unite with itself, within two years from the passage of this act, the New Haven and Northampton Company, a railroad corporation existing in the state of Connecticut, upon such terms, not inconsistent with the charter of said Hampshire and Hampden Railroad Corporation, nor with the laws of this Commonwealth, as the directors of said corporations may agree, subject however to the approval of three-fourths of the stockholders of said Hampshire and Hampden Railroad Corporation present and voting thereon, at a legal meeting of said corporation called for that purpose. The new corpo-

ration so formed by the union of said corporations, shall be called the New Haven and Northampton Company, and shall have a capital stock not exceeding one million five hundred thousand dollars.

SECTION 2. The corporation thus formed shall have all the powers, franchises, property and rights which said two corporations severally have as railroad corporations at the time when they unite as aforesaid, and shall be subject to all the duties, restrictions and liabilities to which at said time said corporations may be severally subject: neither of said corporations shall by anything herein contained, be released from any liabilities, nor shall the rights of any creditor, or any other person or corporation, be affected hereby.

SECTION 3. One or more of the officers of said new corporation shall be inhabitants of this Commonwealth, and one or more of them shall be inhabitants of Connecticut: legal process may be served on any one of such officers who is an inhabitant of this Commonwealth. When an attachment is made of the stock of any person in said corporation notice thereof served on any officer living in this state shall be of the same effect as if the attachment was made in accordance with the provisions of the General Statutes.

SECTION 4. The annual reports made by said corporation to the legislature of this Commonwealth shall show the amount of expenditure, receipts and profits which belong to the parts of its road situate in the different states respectively; and said reports shall be approved by two commissioners appointed for the purpose of examining the accounts of said corporation in these particulars, one by the governor of Massachusetts and the other by the governor of Connecticut. Said commissioners shall be paid for their services by said corporation.

Approved March 28, 1862.

[1865, 112; 1866, 66; 1867, 159.]

[1845, 177; 1847, 96; 1851, 101.]

AN ACT to increase the Capital Stock of the Boston Belting Company. *Chap. 98.*
Be it enacted, &c., as follows:

The Boston Belting Company is hereby authorized to increase its capital stock, by an addition thereto of two hundred thousand dollars, which shall be issued in shares of one hundred dollars each.

Approved March 28, 1862.

[1822, 41; 1836, 17; 1837, 74; 1852, 109.]

AN ACT to increase the Capital Stock of the Boston Gas-Light Company. *Chap. 99.*
Be it enacted, &c., as follows:

The Boston Gas-Light Company is hereby authorized to increase its capital stock, by adding thereto a sum not ex-

Name.

Capital stock.

Powers and duties.

Liabilities.

Residence of officers.

Legal process.

Attachment, &c.

Annual reports.

To be approved by commissioners.

\$200,000 additional capital stock.

\$1,000,000 additional capital stock.

Real and personal estate.

ceeding one million dollars, to be paid in at such times and in such amounts as the stockholders may from time to time authorize, and to invest the same in such real and personal estate as may be necessary and convenient for the purposes for which they were incorporated. *Approved April 1, 1862.*

Chap. 100 AN ACT to incorporate the Sailors' Snug Harbor and Old Man's Home, in Salem.

Be it enacted, &c., as follows :

Corporators.

Name and purpose.

Powers and duties.

Real and personal estate.

SECTION 1. Benjamin H. Silsbee, Robert Brookhouse, J. W. Peele, John Bertram, William D. Pickman, their associates and successors, are hereby made a corporation by the name of the Sailors' Snug Harbor and Old Man's Home, in Salem, for the purpose of providing for the support of aged destitute men, not otherwise provided for; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the sixty-eighth chapter of the General Statutes; and for the purpose aforesaid, may take and hold real and personal property to an amount not exceeding one hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1862.

[1851, 139; 1852, 220; 1853, 258; 1854, 336; 1859, 268; 1861, 33, 111.]

Chap. 104 AN ACT to extend the Time for the Location and Construction of the Stoneham Branch Railroad.

Be it enacted, &c., as follows :

Time extended for location and construction.

SECTION 1. The time within which the Stoneham Branch Railroad Company may locate and construct its road, is hereby extended one year beyond the time heretofore granted.

SECTION 2. This act shall take effect upon its passage.

Approved April 2, 1862.

[1862, 2.]

Chap. 105 AN ACT in addition to "An Act in relation to the Town of Seekonk."

Be it enacted, &c., as follows :

Conveyances, appraisements, &c., provided for in 1861, 187, § 6, except of certain school property, &c., authorized by present town of Seekonk.

SECTION 1. The sales, conveyances, appraisements and remittances of taxes provided for in the sixth section of the act, entitled "An Act in relation to the Rhode Island boundary," approved April tenth, in the year eighteen hundred and sixty-one, may be made by the present town of Seekonk, except so far as regards the appraisement of school property of those school districts through which the boundary line between this Commonwealth and the state of Rhode Island as now established passes, and the remittances of such appraised values to the tax-payers of such districts, which

shall remain subject to the provisions of the acts of the present session, entitled "An Act in relation to the Town of Seekonk," and "An Act for the regulation of suits at law affected by the establishment of the boundary line between the states of Massachusetts and Rhode Island, and for other purposes."

SECTION 2. This act shall take effect upon its passage.

Approved April 2, 1862.

[1862, 153.]

AN ACT to establish the Boundary Line between the Towns of Harwich and Orleans. *Chap. 106*

Be it enacted, &c., as follows :

The boundary line between the towns of Harwich and Orleans is hereby established as follows, to wit: Beginning at a stone monument standing on the bank at the south-east corner of the town of Brewster, thence south thirty-two degrees and twenty minutes east, to a point in the middle of Pleasant Bay where said line intersects a line extending west one degree north from a rock standing in the water on the most northerly point of Strong Island. Said lines are based on lines and angles on and with the true meridian. *Boundaries defined.*

Approved April 4, 1862.

AN ACT to establish the Police Court of Charlestown.

Chap. 107

Be it enacted, &c., as follows :

SECTION 1. A police court is hereby established in the city of Charlestown under the name of the Police Court of Charlestown; and said city shall constitute a judicial district under the jurisdiction of said court. Said court shall have the same jurisdiction, power and authority, shall perform the same duties, and be subject to all the regulations provided in the one hundred and sixteenth chapter of the General Statutes, and in all general acts which may be passed in amendment thereof; and all provisions of law relating to civil and criminal proceedings, the taxation of costs, the payment of fines, the expenses of court, the accounting and settling with the county, city or town treasurers for the money paid into court, and the required returns applicable to the several police courts in the Commonwealth, other than the police court of Boston, shall apply to the police court of Charlestown hereby established. *Establishment, jurisdiction, powers and duties of court.*

SECTION 2. The said court shall consist of one standing justice, two special justices and a clerk; the justices to be appointed, commissioned and qualified pursuant to the constitution and laws of the Commonwealth. Said clerk shall perform all the duties now prescribed by the General Stat- *How constituted. Clerk, duties of.*

When and how
chosen.

utes for clerks of police courts; and all the provisions of law now applicable to such clerks shall apply to this clerk, excepting such as apply only to the police court of Boston. The said clerk shall be chosen by the city council of Charlestown, in convention, and shall hold his office till the next annual municipal election, or until a successor is chosen and qualified. At the annual municipal election in said city, to be held on the second Monday in December, in the year eighteen hundred and sixty-two, a clerk shall be chosen as provided in chapter one hundred and sixteen, section four, of the General Statutes, for the remainder of the term for which other clerks of police courts are chosen.

Salaries of justice
and clerk, and
compensation of
special justices.

SECTION 3. The justice of said court shall receive an annual salary of twelve hundred dollars, and the clerk an annual salary of five hundred dollars, to be paid from the treasury of the Commonwealth. The compensation of the special justices for duties performed by them in the absence of the standing justice, shall be paid by the said standing justice as provided by law.

Proceedings com-
menced before
trial justices, how
to be determined.

SECTION 4. All proceedings duly commenced before any trial justice or justice of the peace of the county of Middlesex, before the second Monday in April, in the year eighteen hundred and sixty-two, shall be prosecuted and determined as though this act had not been passed.

When to take
effect, &c.

SECTION 5. This act shall take effect, so far as the appointing, commissioning and qualifying the justices and electing the clerk of the said court are concerned, upon its passage, and it shall take full effect upon the second Monday in said April.

Approved April 4, 1862.

[1853, 70; 1854, 224; 1855, 158; 1861, 140.]

Chap. 108 AN ACT in relation to sealing Weights and Measures in the City of Lawrence.

Be it enacted, &c., as follows:

Sealer to visit de-
linquents, adjust
weights and mea-
sures.

SECTION 1. The sealer of weights and measures for the city of Lawrence, is authorized and required to go to the houses, stores and shops of all such persons within the said city of Lawrence, using weights and measures for the purpose of buying and selling, as shall neglect to bring in their measures, weights, balances, scales and beams, to be adjusted and sealed, and there at the said houses, stores and shops, having entered the same with the assent of the occupant thereof, to adjust and seal the same or send the same to his office to be adjusted and sealed, and shall be entitled to receive therefor double the fees provided by law for the same service, if they had been brought in to be adjusted

Double fee al-
lowed.

and sealed, with all the expenses attending the removal of the same.

SECTION 2. If any such person shall refuse to have his measures, weights, balances, scales or beams, so tried, adjusted and sealed, the same not having been tried, adjusted and sealed within one year preceding such refusal, he shall forfeit ten dollars for each offence, one-half to the use of the city, and one-half to the use of the sealer of weights and measures. Penalty for refusing services of sealer.

SECTION 3. If any person shall alter any measure, weight, balance, scale or beam, after the same shall have been adjusted and sealed, so that the same thereby shall not conform to the public standard, and shall fraudulently make use of the same, he shall forfeit for each offence the sum of ten dollars, one-half to the use of the city, and one-half to the use of the complainant. Forfeiture for altering after adjustment.

SECTION 4. The mayor and aldermen of the city of Lawrence are authorized to remove the sealer of weights and measures, at any time they may see fit. Mayor and aldermen may remove sealer.

SECTION 5. This act shall take effect when it shall have been accepted by the city council of the city of Lawrence. Act to be accepted.

Approved April 4, 1862.

[1868, 143.]

[1825, 25.]

AN ACT to change the Name of the First Unitarian Church in Danvers. *Chap. 113*
Be it enacted, &c., as follows:

The First Unitarian Church in Danvers shall hereafter be called and known by the name of the First Unitarian Church in South Danvers. Name changed.
Approved April 8, 1862.

AN ACT concerning the Probate Court in the County of Dukes County. *Chap. 114*
Be it enacted, &c., as follows:

SECTION 1. Probate courts in and for the county of Dukes County shall be held at Edgartown on the third Mondays of January and July, and on the first Mondays of March and December; at Holmes' Hole village in Tisbury, on the third Monday of April and the first Monday of September, and at West Tisbury, on the first Monday of June and the third Monday of October, in each year. Edgartown. Holmes' Hole. West Tisbury.

SECTION 2. So much of the one hundred and seventeenth chapter of the General Statutes as is inconsistent with this act, is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon the first day of July, in the year eighteen hundred and sixty-two. When to take effect.

Approved April 8, 1862.

[1833, 186; 1861, 106.]

Chap. 117

AN ACT in relation to the East Boston Wharf Company.

*Be it enacted, &c., as follows :*May connect
wharves with
rails of Eastern
Railroad.

The East Boston Wharf Company is hereby authorized to connect its wharves and docks, by railroad, with the rails of the Eastern Railroad, with the consent of the owners thereof, and with the approval of the mayor and aldermen of the city of Boston.

Approved April 9, 1862.

[1859, 144; 1860, 17; 1861, 16.]

Chap. 118

AN ACT relating to the Cliftdale Railroad Company.

*Be it enacted, &c., as follows :*Powers granted
by Act of 1861,
renewed.

Proviso.

May lease Middle-
sex and connect-
ing roads.

SECTION 1. The powers granted by the sixteenth chapter of the acts of the year eighteen hundred and sixty-one, to the Cliftdale Railroad Company, for constructing their railroad, are hereby renewed and continued in force: *provided*, the towns therein referred to shall accept said act within one year from the passage of this act.

SECTION 2. The Cliftdale Railroad Company is hereby authorized to lease and operate the Middlesex Railroad and such other railroads as connect therewith at points outside the city of Boston.

SECTION 3. This act shall take effect upon its passage.

Approved April 9, 1862.

[1864, 133.]

Chap. 119

AN ACT to incorporate the Bristol County Central Agricultural Society.

Be it enacted, &c., as follows :

Corporators.

Name and pur-
pose.Powers and du-
ties.Real and personal
estate.

Proviso.

Nathan Durfee, James D. Thompson, Oliver S. Wilbur, Samuel A. Dean, Charles T. Robinson, Robert Adams, and William L. Slade, their associates and successors, of the county of Bristol, are hereby made a corporation under the name of the Bristol County Central Agricultural Society, for the encouragement of agriculture and the mechanic arts by premiums and other means; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws of the Commonwealth, respecting agricultural societies receiving no bounty from the state. And said corporation may hold and manage real estate not exceeding in value twenty-five thousand dollars, and personal estate not exceeding the same sum in value, for the purposes aforesaid: *provided, however*, said corporation shall not be entitled to receive any bounty from the treasury of the Commonwealth.

Approved April 14, 1862.

AN ACT to establish the Boundary Line between the Towns of Harwich and Chatham. *Chap. 121*

Be it enacted, &c., as follows :

The boundary line between the towns of Harwich and Chatham is hereby established as follows: Beginning at a stone marked "H" "C," set in the ground, and is the same referred to in the preambulation of the line between said towns, made in the year eighteen hundred and sixty; thence south into the sea. And from said stone monument northerly to a stone monument on the southerly side of Red River; thence by said river northerly to its source; thence northerly on the dividing line between the land of the heirs of David Eldridge and the land of Cynthia Nickerson to a stone monument marked "H" "C," set in the ground, on the south side of the county road; thence north nine degrees east by compass, to a stone monument marked "H" "C," set in the ground on the south side of the "middle road," so called; thence in the same course to a stone monument marked "H" "C," set in the ground on the south side of the "north county road," so called, and near the dwelling-house of the heirs of Mulford Young; thence easterly by the road to a stone monument marked "H" "C," set in the ground near the Methodist meeting-house; thence east thirty minutes north by compass to a stone monument marked "H" "C," set in the ground opposite the point where the eel weir, so called, formerly stood; thence into "Muddy Cove River," and down the middle thereof to the point where it empties into "Pleasant Bay;" thence north thirty-eight degrees and twenty minutes east (by meridian) to a point in said "Pleasant Bay" where the line between Chatham and Orleans and the line between Harwich and Orleans intersect, at the north-westerly corner of the town of Chatham.

Boundary line defined.

Approved April 14, 1862.

AN ACT to establish the Boundary Line between the Towns of Chatham and Orleans. *Chap. 122*

Be it enacted, &c., as follows :

The boundary line between the towns of Chatham and Orleans is hereby established as follows: Beginning at a rock standing in the water on the most northerly point of Strong Island, marked "C" on the south side, and "O" on the north side; thence south about seventy-two degrees east by compass, to a stone monument marked "C" on the south side, and "O" on the north side, standing on the meadow near the beach; thence in the same direction across the beach to the sea; and from said rock standing on the most northerly point of said Strong Island, running west one degree

Boundary line defined.

north, (with the true meridian,) to a point in the middle of "Pleasant Bay" where said line intersects a line extending south thirty-two degrees and twenty minutes east, (with the true meridian,) from a stone monument standing on the bank at the south-east corner of the town of Brewster.

Approved April 14, 1862.

[1847, 269; 1848, 143; 1851, 123; 1852, 178, 251; 1853, 185; 1856, 243; 1857, 102; 1859, 12; 1860, 42; 1861, 57, 202.]

Chap. 124 AN ACT to extend the Time for the Location and Construction of the Agricultural Branch Railroad.

Be it enacted, &c., as follows :

Time for location and construction extended.

The time for the location and construction of the Agricultural Branch Railroad is hereby extended three years from the first day of July next.

Approved April 19, 1862.

[1865, 2, 170; 1867, 83, 153; 1868, 189.]

Chap. 125 AN ACT to incorporate the John Hancock Mutual Life Insurance Company.

Be it enacted, &c., as follows :

Corporators.

Name and purpose.

Powers and duties.

Nathaniel Harris, James P. Thorndike, Gerry W. Cochrane, their associates and successors, are hereby made a corporation by the name of the John Hancock Mutual Life Insurance Company, to be established and located in the city of Boston, for the purpose of making insurance upon lives; with all the powers and privileges, and subject to the duties, liabilities and restrictions set forth in so much of the fifty-eighth chapter of the General Statutes as relates to mutual life insurance companies, and all other acts which are or may be in force relative to such companies.

Approved April 21, 1862.

[1849, 94; 1850, 268; 1851, 335; 1852, 47; 1853, 311; 1854, 421, 447; 1860, 44, 205; 1861, 44, 155.]

Chap. 126 AN ACT to extend the Time for Locating and Constructing the Midland Railroad.

Be it enacted, &c., as follows :

Time for construction extended.

Proviso.

SECTION 1. The time within which the Midland Railroad Company may complete the construction of that portion of its road described in the second section of the one hundred and ninety-fourth chapter of the acts of the year eighteen hundred and forty-nine, being an "Act to incorporate the Southbridge and Blackstone Railroad Company," is hereby extended two years: *provided*, that all persons whose lands or other property have been taken for the purposes of this road shall be allowed one year after the entire road is completed and opened for use, within which to apply to the

county commissioners to estimate their damages, notwithstanding that the time for making such applications may have expired under existing or previous provisions of law.

SECTION 2. This act shall take effect upon its passage.

Approved April 21, 1862.

[1863, 116.]

[1849, 170, 193; 1851, 80, 297; 1852, 106; 1854, 316; 1855, 105, 218, 269, 400; 1856, 238; 1857, 39; 1858, 20; 1859, 48, 63.]

AN ACT to extend the Time for Locating and constructing the New York and Boston Railroad. *Chap. 128*

Be it enacted, &c., as follows :

SECTION 1. The time within which the New York and Boston Railroad Company may complete the location and construction of so much of its road as is described in the first section of the four hundredth chapter of the acts of the year eighteen hundred and fifty-five, being an "Act to authorize the Charles River Railroad Company further to extend their line," is hereby extended two years.

Time for location and construction extended.

SECTION 2. All persons whose lands or other property have been taken for the purposes of this road, shall be allowed one year after the entire road is completed and opened for use, within which to apply to the county commissioners to estimate their damages, notwithstanding that the time for making such applications may have expired under existing or previous provisions of law.

Claimants allowed one year to apply for damages.

SECTION 3. This act shall take effect upon its passage.

Approved April 21, 1862.

[1863, 32.]

AN ACT to incorporate the Dedham Historical Society.

Chap. 129

Be it enacted, &c., as follows :

Alvan Lamson, Danforth P. Wight, Jonathan H. Cobb, Calvin Guild, Henry O. Hildreth, Henry W. Richards and Erastus Worthington, their associates and successors, are hereby made a corporation by the name of the "Dedham Historical Society," for the purpose of collecting and preserving such books, newspapers, records, pamphlets and traditions, as may tend to illustrate and perpetuate the history of New England, and especially the history of the town of Dedham; with all the powers and privileges, and subject to all the liabilities contained in the sixty-eighth chapter of the General Statutes of this Commonwealth; and, for the purposes aforesaid, they may hold real and personal estate to an amount not exceeding five thousand dollars.

Corporators.

Name and purpose.

Powers and duties.

Real and personal estate.

Approved April 23, 1862.

Chap. 133 AN ACT to establish the Boundary Line between the Towns of Edgartown and Tisbury.

Be it enacted, &c., as follows :

Boundary line defined.

The boundary line between the towns of Edgartown and Tisbury is hereby established as follows: Beginning at the harbor of Holmes' Hole, and running by the middle of the canal, through the beach, and by the channel up Lagoon Pond to a large stone placed at the "stepping stones," so called; thence north, thirty-five degrees fifty-two minutes thirty seconds west, five hundred and fourteen rods, to a point fifty-two rods south, eight degrees forty-five minutes east, from Tashmo Spring; thence south, eight degrees forty-five minutes east, thirteen hundred and sixty-two rods, to a point on the north side of the mill road; thence south, two degrees thirty minutes east, seven hundred and eighty-eight rods, to a stone monument on Watcha Neck; thence on the same course to the sea. Said lines are based upon lines and angles on and with the true meridian.

Approved April 23, 1862.

Chap. 136

AN ACT to establish the Wrentham Branch Railroad.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. W. Fox Richardson, Daniel A. Cook, Artemas Aldrich, Thomas Proctor, Hervey E. Clap, O. S. Sanford, their associates and successors, are hereby made a corporation, by the name of the Wrentham Branch Railroad Corporation; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixty-third and sixty-eighth chapters of the General Statutes, and all other general laws which have been or shall hereafter be passed, relative to railroad corporations.

Powers and duties.

Location and construction authorized, and route defined.

SECTION 2. Said corporation is hereby authorized and empowered to locate, construct and maintain a railroad with one or more tracks from some convenient point in or near the Plainville village in Wrentham, through or near the central village in said Wrentham to some convenient point on the Norfolk County Railroad, or Midland Railroad, and to enter with its railroad, by proper turnouts and switches, upon the Norfolk County Railroad, or Midland Railroad at the point aforesaid, and to use the same, or any part thereof, according to the provisions of law.

Capital stock and shares.

SECTION 3. The capital stock of said corporation shall not exceed five hundred and fifty shares, the number of which shall be determined from time to time by the directors of said corporation; and no assessment shall be laid thereon of a greater amount in the whole, than one hundred dollars

on each share; and the said corporation may purchase and hold such real estate as may be necessary for the purposes of its incorporation. Real estate.

SECTION 4. If the location of this road be not filed within two years, and if said railroad be not constructed within three years from the passage of this act, then this act shall be void. To be located in two years and constructed in three years.

SECTION 5. Said corporation is hereby authorized to dispose of its franchise, with all its rights under this act, to the Norfolk County Railroad Company, or to the Midland Railroad Company, on such terms as shall be agreed upon by said corporations respectively; and if said Wrentham Branch Railroad Corporation shall thus transfer its franchise and rights to the Norfolk County Railroad Company, or to the Midland Railroad Company, the corporation purchasing such franchise is hereby authorized to increase its capital stock by the sum of fifty-five thousand dollars. Transfer of franchise authorized.

In case of transfer increase of capital authorized.

SECTION 6. This act shall take effect upon its passage.

Approved April 25, 1862.

[1864, 205; 1865, 16; 1867, 173.]

[1860, 211; 1861, 154.]

AN ACT to repeal "An Act in relation to the Flowage of the Meadows on Concord and Sudbury Rivers." Chap. 140

Be it enacted, &c., as follows:

SECTION 1. Chapter two hundred and eleven of the acts of the year eighteen hundred and sixty, is hereby repealed. Repeal.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1862.

[1861, 183.]

AN ACT in addition to an Act to incorporate the Massachusetts Institute of Technology. Chap. 142

Be it enacted, &c., as follows:

SECTION 1. The time within which the provisions of the fourth section of chapter one hundred and eighty-three of the acts of the year eighteen hundred and sixty-one, relative to the Massachusetts Institute of Technology are limited, is hereby extended one year from the passage hereof. Limitation of time in 1861, 183, § 4, extended one year.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1862.

[1863, 186, 226; 1865, 220; 1868, 247.]

[1833, 38.]

AN ACT to authorize the Salem Street Congregational Society to sell its Meeting-House, and for other Purposes. Chap. 143

Be it enacted, &c., as follows:

SECTION 1. The Salem Street Congregational Society is hereby authorized to sell and convey by deed its land and May sell property and purchase other in Boston.

Members of corporation.

Pews may be appraised, and proprietors compensated.

meeting-house, situated at the corner of Salem and North Bennet Streets, in Boston, and to use the proceeds of such sale, after paying the debts of said society, if any, to purchase any other church edifice or property in said Boston, for the use of said society, as its meeting-house; and persons who after such purchase, shall become proprietors of pews in any meeting-house so purchased, shall be members of said corporation.

SECTION 2. Prior to any such sale and purchase, the pews in the meeting-house now belonging to said society may be appraised, and the proprietors of the same, in case of such sale, may be compensated therefor in the manner provided by the thirty-fifth and thirty-sixth sections of chapter thirty of the General Statutes, in the case of selling and re-building a meeting-house, or of taking down and re-building pews in any meeting-house.

SECTION 3. This act shall take effect upon its passage.

Approved April 25, 1862.



[1861, 216.]

Chap. 147 AN ACT to ~~ratify~~ certain Acts of the Governor and Council, and to increase the Union Fund.

Be it enacted, &c., as follows:

Contracts, &c., confirmed.

SECTION 1. All contracts, obligations, expenditures and payments made, and acts done, by the governor and council, in the execution of the powers conferred by the two hundred and sixteenth chapter of the acts of the year eighteen hundred and sixty-one, are hereby approved, ratified and confirmed.

Union fund increased and issue of scrip authorized to fund debts.

SECTION 2. The sum of six hundred thousand dollars is hereby added to the amount of the union fund, created by the fifth section of the said chapter, and further issues of scrip, not exceeding that amount, may be made under the provisions of said chapter, the proceeds of which are hereby appropriated to fund the debts heretofore incurred in the execution of the powers aforesaid, beyond the amounts realized from the scrip originally authorized by the said chapter.

Statutes relating to Union Fund to apply to increase.

SECTION 3. All provisions of law relative to the said union fund, including the provisions of the two hundred and ninth chapter of the acts of the year eighteen hundred and sixty-one, creating a sinking fund, shall in like manner apply to the increase thereof hereby directed.

SECTION 4. This act shall take effect upon its passage.

Approved April 25, 1862.

[1848, 32; 1849, 210; 1850, 305; 1851, 268, 287; 1852, 298; 1854, 346; 1856, 172; 1857, 13.]

AN ACT concerning the Police Court of the City of Worcester.

Chap. 148

Be it enacted, &c., as follows:

SECTION 1. The provisions of sections eighteen and nineteen of chapter one hundred and sixteen of the General Statutes, so far as the same make the jurisdiction of the police court of the city of Worcester in civil actions and proceedings exclusive, are hereby repealed. Repeal.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1862.

[1864, 281; 1868, 198.]

[Old Colony, 1844, 150; 1845, 120, 126, 226, 241; 1846, 178; 1847, 85; 1848, 84; 1849, 163, 169, 195, 237; 1850, 260, 268; 1852, 124. Fall River, 1844, 100; 1845, 226, 234; 1846, 259; 1847, 210; 1849, 169, 198, 212; 1852, 67. Old Colony and Fall River, 1854, 198, 303, 324; 1858, 171; 1860, 137. Boston Harbor, 1860, 137.]

AN ACT to unite the Old Colony and Fall River Railroad Company with the Newport and Fall River Railroad Corporation. *Chap. 149*

Be it enacted, &c., as follows:

SECTION 1. The Old Colony and Fall River Railroad Company is hereby authorized by a vote of its stockholders, to unite with the Newport and Fall River Railroad Corporation, —a corporation duly established by the laws of the state of Rhode Island,—and form one corporation under the name of the Old Colony and Newport Railway Company, with a capital not exceeding the amount of the joint capital of both companies; and all tolls, franchises, rights, powers, privileges and property, granted or to be granted, acquired or to be acquired, under the authority of the state of Rhode Island and of this Commonwealth, shall be held, exercised and enjoyed by said company so formed, and the stockholders in each of said corporations shall hold the same number of shares in said new corporation as they held in the old corporations; and if the said corporations shall vote to unite and form one corporation as aforesaid, the directors of said Old Colony and Fall River Railroad Company shall forthwith cause a meeting to be called of the stockholders in said new corporation, for the choice of officers for the same, by giving to the stockholders in each of the old corporations, the notice required for a meeting of stockholders by the by-laws of said old corporations, of which said stockholders were members before the union. Union authorized.

SECTION 2. Said companies when united, so as to become one company, shall keep separate accounts of the expenditures and receipts in each state; and two commissioners shall be appointed, one by the governor of each state, to hold their offices for the term of four years, and to be reasonably Expenditures and receipts, commissioners appointed by governors to determine proportion of in R. I. and Mass.

compensated by said company ; and said commissioners shall decide what proportion of all the expenditures and receipts properly pertain to that part of the railroad lying in each state respectively, and their certificate thereof shall be annexed to the annual report required to be made to the legislature of this state.

One or more officers to reside in each State.

SECTION 3. If said corporations shall be united into one corporation as aforesaid, one or more of the officers thereof shall at all times reside in each of said states, on whom all processes against said company, and notices to the same, may be legally served ; and said company shall be held to answer within the jurisdiction where service is legally made and the process legally returnable.

SECTION 4. This act shall take effect upon its passage.

Approved April 25, 1862.

[1863, 238; 1864, 18; 1865, 102; 1866, 97; 1867, 74, 170, 201, 271; 1868, 122, 189.]

[Special Laws, vol. 1, p. 329; 1818, 84; 1854, 122.]

Chap. 150 AN ACT in addition to an Act to incorporate the Proprietors of Locks and Canals on Connecticut River, and the several Acts in addition thereto.

Be it enacted, &c., as follows :

Proprietors relieved from maintaining as highway.

SECTION 1. From and after the first day of April in the year eighteen hundred and sixty-three, the proprietors of locks and canals on Connecticut River shall be relieved from all obligation to keep their locks and canals in repair, and maintain the same as a navigable highway, except as hereinafter provided.

In case leased before April 1, locks and canals to be maintained.

SECTION 2. If any person or persons previously to said first day of April, shall accept a lease of all the navigable portions of said locks and canals, together with all the lands adjoining the same, which are now used and enjoyed by the said proprietors in navigating said locks and canals, for a term not less than five years, and shall execute and deliver to said proprietors or their successors or assigns a good and sufficient bond, with sufficient sureties, in a sum not less than fifteen thousand dollars, the form and substance thereof to be approved by any judge of the superior court, in case the parties cannot agree, with the conditions that the said lessee or lessees shall keep so much of said locks and canals as lie below the guard lock and guard gates, in as good repair as the same now are, and open for navigation, also to save said proprietors or their successors and assigns harmless from all damages that may occur by reason of the insufficiency or mismanagement of said locks and canals or of negligence in the navigation thereof, and from all expense, damage and

trouble in the navigation thereof, then it shall be the duty of the said proprietors or their successors or assigns to allow the said locks and canals to be maintained as a navigable highway until the expiration of said lease.

SECTION 3. The said proprietors, or their successors or assigns, are hereby authorized and required to execute and deliver to any person or persons who may apply for the same previously to said date, and comply with all the foregoing conditions, a sufficient lease of the navigable portion of the said locks and canals free from any rent or payment, together with all the lands adjoining the same, now used by the said proprietors in navigating said locks and canals, for a period not less than five years.

Proprietors to grant lease, on application, free from rent.

SECTION 4. The said lessee or lessees shall have all the rights of the said proprietors or their successors or assigns in the collection of tolls upon said locks and canals.

Rights of lessee.

SECTION 5. It shall be the duty of the said proprietors, or their successors or assigns, to keep their guard gates and guard lock in good repair, and to allow the said lessee or lessees uninterrupted use of the navigation thereof, as fully as the said proprietors now use or occupy the same; and the said lessee or lessees are not to be held liable for any repairs, expense or defects whatsoever thereon.

Duties and liabilities of proprietors to lessee.

SECTION 6. If before the expiration of the term of said lease, the said lessee or lessees or any other parties shall offer to take a further lease of said locks and canals upon the same terms, as herein before provided, for an additional term of five, ten or fifteen years, and shall comply with all said terms, the said proprietors or their successors or assigns shall execute such additional lease.

Lease may be renewed.

Approved April 26, 1862.

[1866, 275.]

[1861, 187; 1862, 2, 48, 105.]

AN ACT in addition to an Act for the Regulation of Suits at Law affected by the Establishment of the Boundary Line between the States of Massachusetts and Rhode Island, and for other Purposes.

Chap. 153

Be it enacted, &c., as follows:

SECTION 1. Whenever, anterior to the first day of March last, final judgment or decree shall have been rendered in the proper courts of the state of Rhode Island, in any case at law or in equity, affecting rights of person or property in the territory which by decree of the supreme court of the United States, ceased on that day to be subject to the jurisdiction of the state of Rhode Island and became subject to the jurisdiction of this Commonwealth, and execution had not anterior to that day been issued or fully served and returned, in every such case the said judgment or decree

Judgments and decrees rendered before March 1, to have same force as if jurisdiction had not changed.

Execution not
having issued,
party may enter
in county of
Bristol.

Proviso.

Execution hav-
ing issued, ser-
vice may be made
under laws of
Rhode Island,
and have full
effect.

Proviso.



shall be deemed to have the same legal force as if no such change of jurisdiction had taken place, and any bail taken in the said case, or lien acquired, or attachment made, shall be deemed in law to continue and be held as effectually as if such suit had been prosecuted in, and such judgment had been rendered by, the proper courts of this Commonwealth; and if, on such decree or judgment, no execution had issued anterior to the said first day of March, then the party or parties interested therein may enter the same in the supreme judicial court in the county of Bristol, and sue out execution or any other lawful process therein, in the same manner and under the same conditions and to the same effect as is provided in respect of other judgments of the courts of the state of Rhode Island in the third section of the act to which this act is in addition: *provided*, that to secure liens or attachments on any such judgment in which execution had not issued anterior to said first day of March, said judgment shall be entered as aforesaid and order for execution obtained within three months from this date; and if execution had already issued, the same shall be entered in the time and manner hereinafter prescribed for giving effect to such executions in this Commonwealth.

SECTION 2. If execution or other process shall have been issued on any such judgment by the courts of the state of Rhode Island prior to said first day of March, the same may be served or service thereof completed in accordance with the laws of the state of Rhode Island, and levy or sale under such execution shall be deemed to have the same legal effect to pass title and for all other purposes, and rights against bail may be enforced as effectually as if no change of jurisdiction had occurred and the said execution had been served and all rights under said judgment consummated in the state of Rhode Island: *provided*, that the party or parties interested in such execution shall, within three months from this date, enter the same in the clerk's office of the supreme judicial court in the county of Bristol, and obtain an order of the said court or any justice thereof, in term time or vacation, authenticating the said execution and giving effect to the same within this Commonwealth; and *provided, also*, that the said execution or a copy thereof shall be duly returned to the clerk's office of the court of the state of Rhode Island from which it issued, and also of the supreme judicial court of this Commonwealth for the county of Bristol, and the execution and return shall be duly recorded as required by the laws of this Commonwealth.

SECTION 3. This act shall take effect upon its passage.

Approved April 26, 1862.

AN ACT to incorporate the Foxborough Branch Railroad Corporation. *Chap. 154*
Be it enacted, &c., as follows :

SECTION 1. Willard Manual, Daniels Carpenter, Otis Cary, Erastus R. Carpenter, Truman Clarke, William B. Bates, Virgil S. Pond, Nathaniel Cook, James E. Carpenter, their associates and successors, are hereby made a corporation, by the name of the Foxborough Branch Railroad Corporation; with all the powers and privileges, and subject to all the liabilities, restrictions and duties, set forth in the sixty-third and sixty-eighth chapters of the General Statutes, and in all statutes which have been or may hereafter be passed, relating to railroad corporations.

Corporators.

Powers and duties.

SECTION 2. Said company is hereby authorized and empowered to locate, construct and maintain a railroad, with one or more tracks, from some convenient point in the town of Mansfield, at or near the junction of the Taunton Branch and Boston and Providence Railroads through the towns of Mansfield, Foxborough and Walpole, to some convenient point on the Midland Railroad in the town of Walpole.

May maintain road from Mansfield to Walpole.

SECTION 3. The capital stock of said company shall consist of not more than one thousand shares, the number of which shall be determined from time to time by the directors thereof; and no assessment shall be laid thereon of a greater amount in the whole than one hundred dollars on each share; and said company may purchase and hold such real estate, and such engines, cars and other things, as may be necessary for the use of said railroad and for the transportation of passengers, goods and merchandise thereon.

Capital stock and shares.

Assessments.

Real estate and other property.

SECTION 4. If the location of said railroad be not filed according to law within two years, and if the same shall not be completed within four years from the passage of this act, then this act shall be void.

Location and completion.

SECTION 5. Said company is hereby authorized to enter upon and connect its railroad by proper means with the Midland Railroad, and to use the same agreeably to the provisions of law.

May connect with Midland road.

SECTION 6. Said Foxborough Branch Railroad Company is hereby authorized to lease its road to the said Midland Railroad Corporation, upon such terms and conditions as the directors of the contracting companies may agree upon.

May lease to same.

SECTION 7. This act shall take effect upon its passage.

Approved April 26, 1862.

[1864, 141; 1865, 89; 1866, 3; 1867, 83.]

[1842, 84; 1845, 218; 1846, 21; 1847, 200, 260; 1849, 18, 223; 1850, 122, 146; 1851, 34, 72, 244, 329; 1852, 147, 162, 194, 306; 1853, 270, 353, 367; 1855, 94, 230, 240, 259, 266, 419; 1856, 138, 296; 1857, 124, 128.]

Chap. 155 AN ACT to authorize the Fitchburg Railroad Company to extend its Road.
Be it enacted, &c., as follows :

May extend in
Charlestown.

Powers and du-
ties.

Location and
completion.

SECTION 1. The Fitchburg Railroad Company is hereby authorized to extend its railroad from the present terminus at or near Swett's Wharf, in Charlestown, in the same general direction, to some convenient point at or near the navy yard in said Charlestown, with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the acts relating to railroad corporations.

SECTION 2. If the location of said extension be not filed within two years from the passage of this act, or said extension be not completed within three years, this act shall be void.

Approved April 26, 1862.

[1865, 222; 1866, 244, 270; 1867, 31, 170, 335, 342; 1868, 96, 237.]

[1848, 307; 1849, 108; 1850, 312; 1852, 40, 146, 155, 297; 1854, 226; 1855, 304; 1856, 237; 1859, 70, 117; 1860, 184, 202; 1861, 65.]

Chap. 156 AN ACT providing for the more speedy completion of the Troy and Greenfield Railroad and Hoosac Tunnel.

Be it enacted, &c., as follows :

Governor to ap-
point commis-
sioners to investi-
gate and report.

SECTION 1. The governor, with the advice of the council, is hereby authorized and directed to appoint three able, impartial and skilful commissioners to investigate the subject of finishing the Troy and Greenfield Railroad, and of tunneling the Hoosac Mountain, whose duty it shall be to report to the governor and council what, in their judgment, will be the most economical, practicable and advantageous method of completing said road and tunnel, the estimated cost of fitting the same for use, the time within which the tunnel can be completed, and what contracts can be effected, and with what parties, for completing said tunnel and road, and the probable cost of the same, the probable pecuniary value of the road and tunnel when completed, the sources and amount of traffic and income, and all other facts in their opinion useful to assist the governor and council in determining the best method of securing a continuous railroad communication between Troy and Greenfield.

Company may
surrender mort-
gaged property
to State, saving
right of redemp-
tion.

Commissioners to
take possession
under mortgages
to Com'onwe'lth,

SECTION 2. The Troy and Greenfield Railroad Company is hereby authorized to surrender to the state; the property now mortgaged; but the right of redemption shall not be barred until ten years have elapsed after said road and tunnel are completed and the same open for use. The said commissioners shall immediately, in the name of the Commonwealth, take complete possession under the mortgages to the Common-

wealth, given by the Troy and Greenfield Railroad Company, of all property, rights and interests intended to be conveyed by said mortgages or either of them, and then shall, without unnecessary delay, cause the said railroad to be completed and put into running order, and supplied with suitable depots, turn-tables and other usual and necessary appliances for the reception of freight and passenger cars, from the eastern terminus of the Troy and Greenfield Railroad to the Hoosac Tunnel.

SECTION 3. Said commissioners shall audit and allow all just claims for labor, service, materials, land-damages incurred after April sixth, eighteen hundred and sixty, and before July twelfth, eighteen hundred and sixty-one, in carrying on the work of constructing the Troy and Greenfield Railroad and Hoosac Tunnel, and may procure the release of all attachments and discharge all liens on said materials. The accounts thus audited shall be transmitted to the governor, and, if approved by the governor and council, the governor is hereby directed to draw his warrant upon the treasurer in favor of the claimants, for the amounts thus allowed, to an amount not exceeding one hundred and seventy-five thousand dollars.

SECTION 4. Said commissioners are hereby authorized, with consent of the governor and council, to use or run that portion of said road east of the Hoosac Mountain, or lease the same to the "Vermont and Massachusetts," the "Fitchburg," the "Troy and Boston Railroad Company," or either of them, until the completion of the said tunnel.

SECTION 5. Said commissioners shall have authority, with the approval of the governor and council, to continue the work on the Hoosac Tunnel, and by contract or otherwise, to expedite the completion of said tunnel.

SECTION 6. All the net earnings and income derived from said railroad, including the tunnel, shall be held by the Commonwealth in trust: first, for the payment and re-imbursement of the interest on all loans, advancements and disbursements of the Commonwealth, on account of said railroad or tunnel: second for the payment and re-imbursement to all parties having a legal right thereto.

SECTION 7. The governor is hereby authorized to draw his warrant on the treasurer of the Commonwealth, for such sums as may be required from time to time by the commissioners for the purpose of carrying out the provisions of this act, and the amount of the same is hereby appropriated therefor; and the treasurer of the Commonwealth is hereby authorized to issue scrip, or certificates of debt, in the name and in behalf of the Commonwealth, to an extent sufficient

and cause road to be completed.

To allow claims for labor, materials, etc., release attachments and discharge liens.

Governor may approve accounts and draw warrants.

Commissioners, with consent of governor, may run or lease portion of road.

May expedite completion of tunnel.

Net earnings of road to be held in trust by Commonwealth.

Appropriation.

Scrip, issue authorized.

Proviso.

to secure the required funds, which scrip shall bear such rate of interest as is allowed at the time on state scrip issued for other purposes, and shall be redeemable at the end of thirty years from the date thereof; and he shall sell or otherwise use the same at his discretion, to procure the sum necessary to meet the payments in this act provided: *provided*, that all expenditures and advances made under and by virtue of this act, shall be on account, and form part of the two millions of dollars authorized to be loaned in state scrip to the Troy and Greenfield Railroad Company by chapter two hundred and twenty-six of the acts of eighteen hundred and fifty-four; and said expenditures and advances, together with all sums hitherto advanced to said company, excepting the sums advanced on account of the "Southern Vermont Railroad," shall not exceed in amount the said two millions of dollars. Such changes may be made in the location and grades of the road, as may be necessary to improve the same; and no lease shall be made of the portion of the road east of the tunnel for a term exceeding six years; nor shall such portion be constructed without the approval of the governor and council.

Repeal.

SECTION 8. All acts and parts of acts inconsistent herewith, are hereby repealed.

SECTION 9. This act shall take effect upon its passage.

Approved April 28, 1862.

[1863, 214; 1865, 210, 211; 1866, 293; 1867, 253, 304; 1868, 51, 333, 350.]

Chap. 161

AN ACT to limit the Time for Taking or Catching Trout.

Be it enacted, &c., as follows:

General Statutes,
83, § 2 amended.

The second section of the eighty-third chapter of the General Statutes is hereby amended, by inserting after the word "May," the words "or any trout from the tenth day of September to the tenth day of March."

Approved April 28, 1862.

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[1852, 148; 1859, 251; 1860, 71; 1861, 79.]

Chap. 163

AN Act concerning the Eastern Avenue Corporation.

Be it enacted, &c., as follows:

Time for location
extended.

SECTION 1. The provisions of chapter seventy-one of the acts of the year eighteen hundred and sixty, authorizing the Eastern Avenue Corporation to change its location, are hereby extended to the first day of March, in the year eighteen hundred and sixty-three.

City of Boston
may build ave-
nue.

SECTION 2. The provisions of the second section of chapter seventy-nine of the acts of the year eighteen hundred and sixty-one, authorizing the city of Boston to grant aid to said

corporation, in such manner and upon such conditions as the city may deem expedient, are hereby extended so that said city of Boston may render such aid by building said avenue or any part thereof, or otherwise.

SECTION 3. The said Eastern Avenue Corporation may transfer its franchise and all its corporate rights to the city of Boston, and said city of Boston may accept the same; but no compensation shall be paid by said city for such transfer: and upon such transfer, the said city of Boston shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities appertaining to the said Eastern Avenue Corporation, except that the said city of Boston shall not be required to give the bond mentioned in the seventh section of the one hundred and forty-eighth chapter of the acts of the year one thousand eight hundred and fifty-two. In case of such transfer to the city of Boston of the franchises and corporate rights of said corporation, notice of such fact shall be given to the governor by the city of Boston, and in such case the time for location as extended by the first section of this act shall be further extended for two years; but said avenue shall be located with the approbation of, and be built according to specifications approved by, the commissioners appointed under the resolves in relation to the harbors and flats of the Commonwealth passed at the present session of the general court.

Corporation may transfer franchise to city.

City not required to give bond.

In case of transfer notice to be filed with governor.

Commissioners on harbors and flats to approve mode of construction.

SECTION 4. When the city of Boston shall have received the transfer provided for in the third section of this act, it may discharge all the duties incumbent on it, on account thereof, by the city council of the said city, or by any other agency which the said city council shall appoint; and when the avenue shall have been built, the board of aldermen of said city may lay out the same as a street or highway.

City council, powers of in case of transfer.

Aldermen may lay out as highway.

Approved April 28, 1862.

[1865, 55, 72; 1868, 326.]

[1846, 154.]

AN ACT relating to the Receptacle for the Insane at Ipswich.

Chap. 165

Be it enacted, &c., as follows:

SECTION 1. The county commissioners of the county of Essex shall provide for the more thorough and constant ventilation of the receptacle for the insane connected with the house of correction at Ipswich.

Ventilation for receptacle of insane at Ipswich.

SECTION 2. The commissioners for the examination of convicts in the state prison alleged to be insane, are hereby made a board of commissioners for the examination of the persons confined in said receptacle, and shall select one of

Commissioners to examine insane in State prison, to visit receptacle quarterly.

their number to visit said receptacle once each quarter of a year. Each commissioner shall receive for his services in such capacity, the amount of his travelling expenses, and three dollars for each day he is so employed, and the bill therefor shall be audited and paid by the treasurer of the county of Essex.

May remove insane to State hospital.

Expenses of removals, how made.

SECTION 3. Said commissioners, or said visiting commissioners selected as aforesaid, whose acts however, shall be subject to the revision of the board, may direct any person confined as insane, who in their judgment is capable of improvement by restorative treatment, to be removed to a state hospital; and they may cause such person to be remanded to said receptacle when they shall deem it expedient. The expenses of all such removals from and to said receptacle shall be paid in the first instance by the county of Essex; and said county shall be entitled to recover the same of the city, town or person obligated to support the person removed as aforesaid.

Approved April 28, 1862.

[1866, 224.]

[1862, 66.]

Chap. 166

AN ACT in further addition to An Act in aid of the Families of Volunteers.
Be it enacted, &c., as follows:

Citizens by cession from R. I., provision for aid shall apply to families of.

SECTION 1. The provisions of the second section of the act to which this act is in addition, being chapter sixty-six of the acts of the present session, shall apply to those volunteers, who, although not inhabitants of the Commonwealth at the time of enlistment, have become such by the establishment of the boundary line between the states of Massachusetts and Rhode Island.

Aid to widow or children.

SECTION 2. Any town or city may raise money by taxation or otherwise, and if necessary apply the same under the direction of its selectmen, or mayor and aldermen, or city council, for the aid of the widow or children who were dependent upon any one of the inhabitants of said town or city, who may have died whilst in the active service of the United States, if said inhabitant were a volunteer duly enlisted and mustered into the service of the United States, whose wife or child might have received aid under the provisions of said chapter sixty-six of the laws of the present year.

Limitation of time defined.

SECTION 3. No sums shall be so applied to the wife or children of any such deceased volunteer for a period of more than one year after the passage of this act, nor more than one month after the passage of any further act of congress allowing a pension or other provision to the widow or to the children of such deceased volunteer.

SECTION 4. All the provisions of the fourth and fifth sections of said chapter sixty-six of the laws of the present year, concerning the re-imbursement of money from the state treasury, and annual reports to the auditor, shall be applicable to all moneys applied under the provisions of this act.

Provisions of former Act made applicable.

Approved April 29, 1862.

AN ACT in relation to the Sale or Exchange of Military Property.

Chap. 167

Be it enacted, &c., as follows :

SECTION 1. The governor, with the advice and consent of the council, may sell or exchange from time to time, any military property now on hand, belonging to this Commonwealth, upon such terms as he shall deem proper.

Governor and council may dispose.

SECTION 2. The proceeds of the sales of any of the property aforesaid which has been paid for out of the union fund, shall be paid into the said union fund, and become a part of the sinking fund for the redemption thereof. A detailed report of all such sales and exchanges shall be made to the next general court.

Proceeds of sale, how applied.

Report required.

SECTION 3. This act shall take effect upon its passage.

Approved April 29, 1862.

AN ACT concerning the Pay of Special Justices of Police Courts.

Chap. 170

Be it enacted, &c., as follows :

SECTION 1. The treasurer of the Commonwealth is authorized, upon the request of any special justice of any police court, and upon the amount due to him being ascertained and certified by the auditor, to deduct and pay from the salary of the standing police justice of the same court, whatever sums now are or may hereafter be due from the said standing justice to the said special justice, under the provisions of the twenty-second section of the one hundred and sixteenth chapter of the General Statutes.

Treasurer to pay, upon auditor's certificate, sums due standing justice.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1862.

[1856, 137.]

AN ACT in addition to an Act altering the Boundary Line between the Towns of Cambridge and Somerville, and annexing portions of each to the other.

Chap. 171

Be it enacted, &c., as follows :

SECTION 1. All the territory and persons situated on the northerly and easterly side of the dividing line between the city of Cambridge and the town of Somerville, described in the first section of chapter one hundred and thirty-seven of the acts of the year eighteen hundred and fifty-six, are hereby set off from said Cambridge, and are annexed to said Somerville ; and all the territory and persons situated on the southerly and westerly side of said dividing line, are hereby

Boundary line defined.

set off from said Somerville and are annexed to said Cambridge.

Repeal.

SECTION 2. The second section of said chapter one hundred and thirty-seven of the acts of the year eighteen hundred and fifty-six, is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 29, 1862.

[1858, 36.]

Chap. 173 AN ACT in addition to an Act to incorporate the Church Home for Orphan and Destitute Children.

Be it enacted, &c., as follows :

Board of managers may receive children in their discretion, accept surrender from parent or guardian, and may bind out.

SECTION 1. The board of managers of the Church Home for Orphan and Destitute Children, shall have authority at their discretion, to receive into their asylum such children as they may deem suitable objects of charity, and also to accept a surrender, in writing, by the father, or where there is no father, by the mother, or where there is no mother, by the guardian of any child or children, to the care and direction of said institution, and to bind out in virtuous families, until the age of twenty-one years, any boy or boys thus surrendered, and until the age of eighteen years, or manage, within that age, any female child or children thus surrendered; and they may also thus bind out any child or children who, being destitute of parents within this Commonwealth, shall have been relieved and supported by said institution: *provided*, that any parent whose child or children, during the absence of their said parent out of this Commonwealth, shall have received relief and support or been bound out as aforesaid, shall have liberty on his or her return to receive such child or children, upon paying to the treasurer of said institution the expense incurred in his or their relief and support as aforesaid; and such managers shall have authority to establish any rules and by-laws, for the regulation of the proceedings of said board and the concerns of said institution, not repugnant to the laws of the Commonwealth, or the by-laws and orders of such institution.

Proviso.

Managers may procure adoption.

SECTION 2. Such managers shall likewise have authority, at their discretion, to procure the adoption of any such child or children, by any respectable and suitable person competent to rear such child or children; and any person who shall thus adopt such child or children shall succeed to the rights of such institution over such child or children; and any person so adopting such child or children shall file with the judge of probate, in the county in which he shall reside,

Person adopting to file declaration with judge of probate, who shall confirm.

a paper declaring his adoption of such child or children, and thereupon the judge of probate shall, upon proof that such child or children have been duly relinquished to such institution, and that the wife, if any, of the person adopting, consents, without further notice confirm such adoption, and therefrom the right of any parent to such child or children shall be extinguished, and the relation of parent and child between such child or children and the adopting parent shall be established.

SECTION 3. All instruments of contract which may lawfully be made by said institution, if approved by the board of managers, shall be signed by the president and secretary of such board of managers, and when so signed shall bind the institution.

Contracts lawfully executed to bind institution.

SECTION 4. This act shall take effect upon its passage.

Approved April 29, 1862.

[1867, 78.]

[S., 1857, 285; 1859, 3; 1860, 207; 1861, 191. M., 1853, 353; 1854, 94; 1855, 193; 1857, 230, 256, 304; 1858, 38; 1859, 9, 35. B., 1854, 444; 1856, 260; 1857, 211, 216; 1858, 15; 1861, 188.]

An Act concerning the Suffolk, Metropolitan, and Broadway Railroad Companies.

Chap. 175

Be it enacted, &c., as follows:

SECTION 1. The Suffolk Railroad Company is hereby authorized and empowered to connect its track, now down at the corner of Washington and Boylston Streets, with the track of the Metropolitan Railroad Company in said Boylston Street, with the right to enter upon and use, with its horses and cars used exclusively within the city of Boston, the tracks of the said Metropolitan Railroad in Cornhill, Washington, Boylston, and Tremont Streets, and the open space lying southerly of Scollay's Building, described in the route of location granted by the board of aldermen of the city of Boston, in an order passed January fifth, eighteen hundred and sixty-one, and accepted in writing by the said Suffolk Railroad Company, in such manner as shall, from time to time, be fixed and determined by the mayor and aldermen of the city of Boston.

Suffolk may connect with Metropolitan in Boylston Street.

Rights of entry and use defined.

SECTION 2. The Suffolk Railroad Company is hereby authorized and empowered to convey passengers by some central, direct and convenient route or routes, to and from the several steam ferries and steam railroad depots, in the northerly part of said city, and the Boston and Providence, Boston and Worcester, and Old Colony and Fall River steam railroad depots respectively, and for this purpose to connect its tracks with, and to enter upon and use, with its horses and cars used exclusively within the said city of Boston, the

Powers authorizing conveyance of passengers to railways and ferries defined.

Location and construction authorized and route defined.

tracks of any other railroad company laid in any streets or highways through which the said Suffolk Railroad Company has been, or shall be located, north of the southerly line of said depots by said mayor and aldermen, and for this purpose, to construct, maintain and use a railway or railways, with convenient single or double tracks, switches, curves and turnouts, from their tracks in Causeway Street through Bowdoin Square, to the track of the Metropolitan Railroad Company at the head of Cornhill, and over and upon such streets and highways of the city of Boston, as shall from time to time be fixed and determined by the mayor and aldermen of said city, and accepted in writing by said Suffolk Railroad Company: *provided*, that no cars shall be run by said Suffolk Railroad Company over the tracks of the Broadway Railroad Company, except by the consent of said Broadway Railroad Company; but the Suffolk Railroad Company shall construct no track south of Cornhill, except as provided by the fourth and fifth sections of this act; and the said Suffolk Railroad Company may run its cars from the northerly depots and ferries through Boylston Street, and return, under the provisions of the first section of this act, till the completion of the routes to the southerly depots.

Proviso: Broadway Co.

Construction of track south of Cornhill prohibited, except, &c.

Metropolitan Co. may use tracks of Suffolk, Middlesex and Cambridge Companies.

Mayor and aldermen to determine manner.

May construct track through Boylston, Providence and Berkeley Streets.

Conditions.

SECTION 3. The Metropolitan Railroad Company is hereby authorized and empowered to enter upon and use with its Boston Neck cars and also with its Tremont and Berkeley Street cars, the tracks and routes of location that now are or may hereafter be granted to the Suffolk Railroad Company, and the tracks of the Middlesex and Cambridge Railroad Companies to and from the steam railroad depots in the northerly part of the city of Boston, described in the location of the Suffolk Railroad Company granted by the board of aldermen of the city of Boston, in an order passed January fifth, eighteen hundred and sixty-one, and accepted in writing by the said Suffolk Railroad Company, in such manner as shall from time to time be fixed and determined by the mayor and aldermen of the said city of Boston.

SECTION 4. The Metropolitan Railroad Company is hereby authorized and empowered to construct, maintain and use a railway or railways with convenient single or double tracks, switches, curves and turnouts from its track near the Winthrop House, in the said city of Boston, to the Boston and Providence Railroad Depot and through Providence and Berkeley Streets to its track near Dover Street, as shall from time to time be fixed and determined by the mayor and aldermen of the city of Boston, and accepted in

writing by said Metropolitan Railroad Company: *provided*, Proviso. that if the said Metropolitan Railroad Company shall not construct the track to and from the said Providence Railroad Depot within one year, the Suffolk Railroad Company may construct the same, to and from the said depot, as shall from time to time be fixed and determined by the mayor and aldermen of the city of Boston, the Metropolitan Railroad Company having the right to purchase the same within six months from the time of its completion by paying the cost of the same and interest thereon, and assuming all the conditions of construction and maintenance of the same imposed upon the Suffolk Railroad Company.

SECTION 5. The Broadway Railroad Company is hereby authorized and empowered to enter upon and use, with its horses and cars run exclusively from South Boston, the tracks and routes of location of the Suffolk Railroad Company that now are or may hereafter be granted to the Suffolk Railroad Company, and the tracks of the Middlesex and Cambridge Railroad Companies, to and from the steam railroad depots in the northerly part of the said city of Boston, as shall from time to time be fixed and determined by the mayor and aldermen of the city of Boston: *provided*, that the said Broadway Railroad Company shall not be authorized to run any cars under the provisions of this section until such time as it shall consent to the use of its tracks by the said Suffolk Railroad Company to the Old Colony and Fall River, and Boston and Worcester steam railroad depots; and if the said Broadway Railroad Company, after such consent, shall not construct proper and convenient switches, curves and turnout tracks at said depots, the Suffolk Railroad Company may construct the same in such manner as shall, from time to time, be fixed and determined by the mayor and aldermen of said city of Boston.

Broadway Co. may use tracks of Suffolk, Middlesex and Cambridge Companies.

Proviso: consent to conditions required.

Construction after consent, conditions of.

SECTION 6. The Broadway, Metropolitan, and Suffolk Railroad Companies, respectively, are also further authorized and empowered, by voluntary agreements and arrangements, each with the other, and not otherwise, to enter upon and use with their horses and cars, respectively, any further portion of the tracks of each other in said city of Boston: *provided*, that such agreements and arrangements shall not be effective until approved by the mayor and aldermen of said city of Boston; and *provided*, that neither of said companies shall, under the provisions of this section, be empowered to enter upon any such track or tracks without the assent of the company owning the same.

Broadway, Metropolitan and Suffolk Companies, mutual agreements authorized.

Provisos.

Companies respectively may agree upon conditions.

In case of disagreement, commissioners appointed by S. J. Court to determine.

Each company to conform to rules of other in use of tracks, except, etc., and to render returns.

In case of transfer of franchise by Suffolk Co., receiving corporation may increase capital.

Failure for one year to use track located to render right void.

In case of discontinuance, condition of streets to be restored.

SECTION 7. The Broadway, Metropolitan, and Suffolk Railroad Companies, shall, respectively, run such number of cars, and at such times, and shall pay such compensation to each other, and to any railroad company whose tracks they may enter upon and use, under the provisions of this act, as may be mutually agreed upon; and in case of disagreement as to the number of cars to be run, the time and manner of use of the said tracks, or the compensation to be paid to said railroad companies, the same shall be fixed and determined by three commissioners to be appointed by the supreme judicial court, the award of whom, or a major part of whom, reported to and confirmed by said court, shall be binding upon the respective corporations; and any such award may be revised or altered by commissioners appointed in like manner. The cost of the commission shall be apportioned upon the corporations interested, or any of them, as shall be just and equitable.

SECTION 8. Each of the said companies, while using the tracks of any other company, as authorized by this act, shall conform to the rules and regulations, from time to time established, of the respective companies whose tracks they use, except so far as modified by said commissioners, and shall keep an account of the number of cars run daily by them respectively, and, as nearly as may be, of the passengers by them transported daily upon the railroad they are thus using, and of the number of miles run by them daily thereon, and shall render the account of the same, at least weekly, to the treasurer of said last named company.

SECTION 9. In case said Suffolk Railroad Company shall transfer its railroad and franchise to any other railroad company as provided in section fourteen of chapter two hundred and eighty-five of the acts of the year eighteen hundred and fifty-seven, said last named company may increase its capital to the amount not exceeding the cost of said railroad and appurtenances and the cost of properly equipping the same; said increase not to exceed, in the aggregate, the sum of two hundred thousand dollars.

SECTION 10. If either of the said corporations mentioned in this act shall neglect to occupy or use a location in any street or highway for one year from the time the said location was granted by the mayor and aldermen, the right to such portion of the said location or track shall thereupon become void; and in case any part of their tracks shall be discontinued, they shall remove the same from the streets and highways and shall put them in as good condition for public

travel as they were immediately before they were occupied by said corporations.

SECTION 11. This act shall take effect upon its passage.

Approved April 30, 1862.

[M. 1864, 154. B. 1865, 21; 1867, 294; 1868, 241.]

[1807, 92; 1811, 164; 1832, 122.]

AN ACT concerning the Hingham and Quincy Turnpike and Bridges. *Chap. 177*

Be it enacted, &c., as follows:

SECTION 1. The turnpike, way, bridges, draws and piers belonging to the Hingham and Quincy Bridge and Turnpike Corporation, and lying in the towns of Quincy, Weymouth and Hingham, are hereby laid out as, and shall become a public highway on the fourth day of July next; and no tolls shall be demanded or received for passing thereon on or after that date, except as provided in the fifth section of this act.

Turnpike and bridges made public highway, July 4, 1862.

SECTION 2. So much of said turnpike and way, excluding the abutments, bridges, draws and piers, as lies in each of the several towns of Quincy, Weymouth and Hingham, shall, on and after said fourth day of July next, be maintained by them respectively.

Maintenance defined.

SECTION 3. The supreme judicial court, or any justice thereof, upon application of said corporation or of ten legal voters of either of the counties of Norfolk or Plymouth, shall appoint a board of commissioners, consisting of three disinterested and suitable persons, not residents of either of said counties; and it shall be the duty of said commissioners, after having been sworn to the faithful and impartial performance thereof, to estimate, and after due notice to all parties interested and a hearing, to determine and award the amount to be paid to said corporation as damages for the laying out of said turnpike, way, bridges, draws and piers as aforesaid, and also the amount to be paid for the toll-houses, and the land under and around them, belonging to said corporation, and to determine and decree in what proportions said amount shall be paid by the counties of Norfolk and Plymouth respectively. Said commissioners shall also determine and decree what towns in Norfolk and Plymouth counties are benefited by the provisions of the first section of this act, and in what proportions and manner said towns shall defray the expense of the maintenance and repairs of said abutments, bridges, draws and piers, and all other expenses properly incurred under the provisions of this act, not otherwise provided for therein; and their determination and decree, or that of the major part of them,

S. J. Court, on application, to appoint commissioners to estimate and award damages.

Commissioners to determine benefits to towns in Norfolk and Plymouth Counties, and report to secretary of Commonwealth and other officers.

shall be made in writing and reported to the secretary of the Commonwealth, the chairmen of the boards of county commissioners for the counties of Norfolk and Plymouth, the selectmen of each of the towns which shall be decreed to pay as aforesaid, and the clerk of said corporation, within sixty days from the date of their appointment, and shall be binding upon said counties and towns severally, in all respects, except in relation to the amount to be paid to said corporation as damages in case it shall appeal to a jury from the award of said commissioners; and if said corporation does not within sixty days after receiving the report of said commissioners, as aforesaid, make its appeal to a jury, then the award and decree of said commissioners shall be absolutely binding upon all of the parties interested. The just fees and expenses of said commissioners shall be paid by such of the parties interested as the said commissioners shall decree.

Failure to appeal within sixty days to render decree binding.

Fees of commissioners.

Corporation may appeal to a jury during pendency.

Costs of appeal, how paid.

Chairmen of selectmen of Quincy, Weymouth and Hingham to have care of bridges, piers, etc.

Tolls.

SECTION 4. In lieu of such damages as shall be awarded by said commissioners, said corporation shall have the right of appeal to a jury, in the same manner, except that the time within which an appeal may be entered shall be limited to sixty days as aforesaid, and subject to the same liability in regard to costs, as a party aggrieved by the doings of county commissioners in the estimation of his damages occasioned by the laying out of a highway, except that the application for such jury shall be made to and acted on by the commissioners of the county of Bristol, from which county the jury shall be summoned; and the costs properly incurred by the commissioners of Bristol county, on account of said appeal, and the amount recovered by said corporation as damages and costs, shall be paid by said counties of Norfolk and Plymouth, in the same proportions as shall be specified by the decree of said commissioners.

SECTION 5. The chairmen of the selectmen of the towns of Quincy, Weymouth and Hingham shall, on and after the fourth day of July next, have the care and superintendence of said abutments, bridges, draws and piers, and cause them to be kept in good repair, and safe and convenient for travel, and the passage of vessels, and shall provide draw-tenders and all necessary agents, and discharge all the duties hitherto incumbent upon said corporation relative to the care and maintenance of said abutments, bridges, draws and piers; and they shall also have the care and superintendence of any land or houses that may be obtained under the provisions of this act. Said selectmen shall cause tolls to be taken at said bridges from the fourth day of July next, till

the third day of July in the year eighteen hundred and sixty-four, and no longer, at the same rates as have been charged by said corporation:—and the tolls so taken after paying the necessary incidental expenses, shall be applied to placing said bridges in a better state of repair.

SECTION 6. Liability for defects in said abutments, bridges, draws and piers, shall exist on the part of the towns wherein they respectively lie, in like manner as in case of defects in town ways; and the damages and costs which may be recovered on account of such defects, shall be paid by such towns as said commissioners shall decree, in the same manner and in the same proportions as they shall severally be required to contribute for the repairs and maintenance thereof. Liability for defects in bridges, piers, etc.

SECTION 7. Chapter one hundred and forty of the acts of the year eighteen hundred and sixty, is hereby repealed. Repeal.

SECTION 8. This act shall take effect from its passage.

Approved April 30, 1862.

AN ACT concerning the Indians of the Commonwealth.

Chap. 184

Be it enacted, &c., as follows:

SECTION 1. All Indians and descendants of Indians are hereby placed on the same legal footing as the other inhabitants of the Commonwealth, except such as are or have been supported in whole or in part by the state, and except also those residing on the Indian plantations of the Chappaquiddick, Christiantown, Gay Head, Marshpee, Herring Pond, Fall River and Dudley tribes, or those whose homes are on some one of said plantations and who are only temporarily absent therefrom. Civil rights declared. Persons excepted.

SECTION 2. Any Indian or person of color belonging to any of the Indian tribes specially enumerated in the first section of this act, and to whom the rights of citizenship are not thereby extended, and who desires to possess such rights, may, if residing within the limits of any city or town of this Commonwealth, certify his desire to the clerk of said city or town, who shall make record of the same; and, upon paying a poll-tax, he shall become to all intents and purposes a citizen of the state and shall not thenceforward return to the legal condition of an Indian. Settlement shall be acquired by those who thus become citizens, in the same manner as by other persons; and any such citizen becoming a pauper without having acquired a settlement shall be deemed a state pauper. Excepted person may assume rights.

SECTION 3. The provisions of this act shall not be deemed or taken to change the existing laws affecting the rights of Act not to affect rights, &c., of existing tribes,

except as after
provided.

property or person, or the administration of the affairs, of the Indians or descendants of Indians continuing to be members of and to constitute the Chappequiddick, Christiantown, Marshpee, Herring Pond, Fall River and Dudley tribes of Indians; except as is hereinafter provided as to the Gay Head tribe, and as to the registration of the persons or lands of those and of the other Indians.

District of Gay
Head established.

Powers and du-
ties.

Proviso.

SECTION 4. The plantation of Gay Head, together with the Indians and people of color constituting the Gay Head tribe of Indians, are hereby made a body politic and corporate, as a district, by the name of the District of Gay Head, to possess the same powers and privileges and be subject to all the duties and liabilities, which are now provided by law for the district of Marshpee: *provided, however*, that no person shall be authorized to vote in municipal affairs, except natives of the Gay Head tribe, or of other Indian tribes of this state, married or having been married to a Gay Head woman, or such other person resident on the plantation or only temporarily absent therefrom, and married or having been married to a Gay Head woman, as shall have the right conferred on him by two-thirds of the voters of the district. And the acting clerk of the plantation of Gay Head shall by proper notice cause the male proprietors thereof to meet at some convenient time and place by him designated to organize the said district.

Registry of mem-
bers of tribes.

SECTION 5. The clerks of the districts of Marshpee and Gay Head, and the guardians of other Indian tribes, shall make or cause to be made a register of the existing members of said tribes, and shall hereafter keep or cause to be kept a register of all the members thereof, and of all the marriages, births and deaths therein; and they shall also make or cause to be made a register of the lands of each plantation, as at present held, whether in common or severalty, and if in severalty, by whom held; and shall hereafter keep or cause to be kept a register of all changes in the holding of the land of the plantation.

SECTION 6. This act shall take effect upon its passage.

Approved April 30, 1862.

Chap. 186

AN ACT to incorporate the Putnam Hall Association in Cambridge.
Be it enacted, &c., as follows:

Corporators.

Name and pur-
pose.

SECTION 1. Knowlton S. Chaffee, George S. Mitchell, John H. Leighton, Augustus P. Griffing, and James M. Price, their associates and successors, are hereby made a corporation by the name of the Putnam Hall Association in Cambridge, for the purpose of providing and maintaining

a building in said Cambridge, which shall contain a hall or halls, and other rooms.

SECTION 2. Said corporation may, for the purposes afore-
said, hold real estate, not exceeding in value, twenty thousand
dollars, and shall be subject to all the duties, liabilities and
restrictions, set forth in the sixty-eighth chapter of the
General Statutes.

Real estate.

Privileges and
restrictions.

Approved April 30, 1862.

[1857, 227.]

AN ACT in relation to the Winnisimmet Railroad Company.

Chap. 191

Be it enacted, &c., as follows :

SECTION 1. The Winnisimmet Railroad Company is
hereby authorized to enter upon and use with its horses and
cars, the tracks of any other horse railroad company in the city
of Boston, for the purpose of transporting its own passengers
to and from Scollay's Building, so called, in Court Street, in
said Boston, or such point northerly of Cornhill, as shall
from time to time be fixed by the mayor and aldermen of
the city of Boston, subject to the convenience of the corpo-
rations owning the tracks which it may be necessary to use
for such purpose, and subject also to the permission of the
mayor and aldermen of said city, and such regulations as
they may establish in regard to such use, and for such rates
of compensation as may be agreed upon, or in case of dis-
agreement with either of the companies, whose tracks shall
be so used, the same shall be fixed by three commissioners
appointed by the supreme judicial court.

May use tracks
of another com-
pany.

City council may
establish regula-
tions.

SECTION 2. Said railroad company may lease its real
estate, tracks, franchise and rights to any person or persons,
or any other horse railroad company, for such term of years
as may be agreed upon by the contracting parties.

Company may
lease its road.

Approved April 30, 1862.

[1859, 202; 1861, 4.]

AN ACT in relation to the Lynn and Boston Railroad Company.

Chap. 192

Be it enacted, &c., as follows :

SECTION 1. The Lynn and Boston Railroad Company is
hereby authorized to enter upon and use with its horses and
cars, the tracks of the Winnisimmet Railroad Company
within the city of Chelsea, the lands, ferry-ways, drops and
boats of the Winnisimmet Ferry Company, and the tracks
of any horse railroad company in the city of Boston, for the
purpose of transporting its own passengers to and from
Scollay's Building, so called, in Court Street, in said Boston,
or such point northerly of Cornhill as shall be from time to
time fixed by the mayor and aldermen of the city of Boston,
subject to the convenience of the corporations whose tracks

May use tracks
of Winnisimmet
Company, &c.

City councils may establish regulations.

Disagreement, how determined.

Company may lease its road.

Repeal.

Time for construction extended.

it may be necessary to use for such purpose, and subject also to the permission of the mayor and aldermen of said cities, and such regulations as they may establish in regard to such use, and for such rates of compensation as may be agreed upon; or, in case of disagreement with either of the companies whose tracks shall be so used, the same shall be fixed by three commissioners, to be appointed by the supreme judicial court.

SECTION 2. Said railroad company may lease its real estate, tracks, franchise and rights to any person or persons, or to any other horse railroad company, for such term of years as may be agreed upon by the contracting parties.

SECTION 3. Section seventeen of the two hundred and second chapter of the acts of the year eighteen hundred and fifty-nine, is hereby repealed.

SECTION 4. The time for constructing the road of said company in the towns of Swampscott and Marblehead, is hereby extended for two years. *Approved April 30, 1861.*

[1863, 36; 1865, 184.]

[1830, 19; 1832, 134; 1836, 182; 1846, 69; 1861, 119.]

Chap. 193 AN ACT to increase the Capital Stock of the Taunton Copper Manufacturing Company.

Be it enacted, &c., as follows :

\$300,000 additional capital stock.

The Taunton Copper Manufacturing Company is hereby authorized to increase its capital stock an amount not exceeding three hundred thousand dollars, and to invest the same in real or personal estate, as may be necessary and convenient for carrying on the business of said corporation.

Approved April 30, 1862.

[1866, 100.]

[1854, 187.]

Chap. 194 AN ACT to change the Name of the Globe Locomotive Works.

Be it enacted, &c., as follows :

Name changed to "Globe Works."

The title of the corporation named the Globe Locomotive Works is hereby changed by striking out the word "Locomotive" so that the name and title of the said corporation shall be the "Globe Works."

Approved April 30, 1862.

[1800, 26; Special Laws, vol. 2, p. 506; 1825, 8.]

Chap. 195 AN ACT ceding Jurisdiction over Certain Lands in Charlestown to the United States.

Be it enacted &c., as follows :

Land ceded to U. S. for navy yard.

SECTION 1. Jurisdiction is hereby granted and ceded to the United States of America, over all that certain lot or tract of land, with the buildings thereon, situate in the city of Charlestown, in this Commonwealth, on Water Street, and lying between the wall on the south-westerly side of the navy

yard and Caswell's Wharf, so called, containing about one hundred and twenty thousand square feet; and consent is hereby given to the purchase of the same by the United States, for the purpose of using the same as a part of the navy yard: *provided, always*, that this Commonwealth shall retain and does retain concurrent jurisdiction with the United States, in and over all the lands aforesaid, so far as that all civil and all criminal processes, issuing under the authority of this Commonwealth, may be executed on said lands, and in any buildings thereon, or to be erected thereon, in the same way and manner as if jurisdiction had not been granted as aforesaid; and *provided*, that the exclusive jurisdiction shall revert to, and revest in the Commonwealth of Massachusetts, whenever the said land shall cease to be used for the sole purpose herein before declared; and *provided, also*, that the jurisdiction of the United States shall not include any part of said Water Street.

Provision.

SECTION 2. This act shall be void, unless a suitable plan of the premises, or such portion or portions thereof as may be purchased by the United States, shall be made and filed by the United States, in the office of the secretary of this Commonwealth, within one year from the purchase of the land by the United States.

Plan to be filed.

SECTION 3. This act shall take effect from and after the purchase of such lands, or of any portion or portions thereof, by the United States, the evidence of such purchase being duly recorded in the registry of deeds for the county of Middlesex.

When to take effect.

Approved April 30, 1862.

[1867, 35; 1868, 249.]

AN ACT to incorporate the American Bituminized Pipe Company.

Chap. 196

Be it enacted, &c., as follows:

SECTION 1. Elisha S. Convers, Oliver Bennett, Jonathan Peirce, their associates and successors, are hereby made a corporation by the name of The American Bituminized Pipe Company, for the purpose of manufacturing bituminized pipes, in the county of Suffolk, or either county adjoining the county of Suffolk; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the sixty-eighth chapter of the General Statutes.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. The said corporation may hold, for the purpose aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed the amount of two hundred thousand dollars.

Real estate.

Capital stock.

SECTION 3. This act shall take effect upon its passage.

Approved April 30, 1862.

[1859, 187; 1860, 106.]

Chap. 200 AN ACT to ratify Certain Proceedings of the Union Steamship Company, and granting a License to the same.*Be it enacted, &c., as follows :*

Proceedings legalized.

SECTION 1. All charters or contracts heretofore made by the Union Steamship Company, with the United States, for the use of any steamship or steamships of the said company, are hereby ratified and approved, and shall not be taken to have been in violation of its charter, or of the act in addition thereto, or as exposing said company to any forfeiture or penalty on account thereof.

Authorized to act in government service.

SECTION 2. Permission is hereby given to said company to let, to freight, or to charter any steamship or steamships now owned, or which may hereafter be owned by said company, by virtue of its charter, to the United States, for the use or service thereof.

May charter ships to States, corporations or persons.

SECTION 3. Permission is hereby given to said company during the existence of the rebellion, and for the term of six months after the termination thereof, to use its steamships, or either of them, or to let, to freight or to charter the same to any state, corporation or person, for any trade or purpose authorized for the employment of vessels, by the treaties and laws of the United States, excepting, that the same shall not ply between the ports of Boston, and the ports of Philadelphia, Baltimore or Charleston, or either of them, excepting when in the service of the United States as provided for in the second section.

Revocation of powers authorized.

SECTION 4. The legislature or governor and council, may revoke the permission granted in the second and third sections at its pleasure, upon reasonable notice to said company.

SECTION 5. This act shall take effect upon its passage.

Approved April 30, 1862.

[1863, 76; 1865, 145.]

[1860, 18.]

Chap. 201 AN ACT to extend the Time of Locating the North Attleborough Branch Railroad.*Be it enacted, &c., as follows :*

Act incorporating revived.

The time within which the North Attleborough Branch Railroad Company shall file its location, is hereby extended to the first day of May, in the year eighteen hundred and sixty-three; and the act incorporating said company, being chapter eighteen of the acts of the year eighteen hundred and sixty, is hereby revived.

Approved April 30, 1862.

[1863, 23; 1865, 3; 1867, 171.]

[Special Laws, vol. 2, p. 516.]

AN ACT for the Protection of Fish in Little Quitticus Pond in the Towns of Lakeville and Rochester. *Chap. 202**Be it enacted, &c., as follows :*

Whoever takes or catches any fish in Little Quitticus Pond, so called, lying in the towns of Lakeville and Rochester and county of Plymouth, for a term of six years after the passage of this act, shall forfeit one dollar for every fish so taken.

Taking for six years prohibited.

Approved April 30, 1862.

[1772, 3; Special Laws, vol. 3, p. 34; 1813, 171.]

AN ACT in relation to the Overseers of the Poor of the City of Boston. *Chap. 204**Be it enacted, &c., as follows :*

SECTION 1. The mayor of the city of Boston, the chairman of the board of aldermen, the president of the common council and the city treasurer, shall constitute a board of auditors, whose duty it shall be to examine all the accounts, acts and doings of the overseers of the poor of said city, and shall annually, on or before the first Monday of September, make report to the city council of all such matters relating to all disbursements by said overseers, whether as trustees of John Boylston's charitable donations, or otherwise, as they may deem the public good to require.

Mayor and other officers to be board of auditors of accounts.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1862.

[1864, 128; 1868, 183.]

AN ACT to incorporate the Pawns' Bank of New Bedford.

*Chap. 206**Be it enacted, &c., as follows :*

SECTION 1. Thomas B. White, Joseph C. Delano, Charles Almy, Horatio Leonard, Nathan Chase, their associates and successors, are hereby incorporated under the name of the "Pawns' Bank of New Bedford," with the powers and privileges, and to be governed by the rules and provisions, established by law relative to banks in this Commonwealth, so far as applicable to the objects of this institution. It shall not be a bank of issue, and shall loan on security of goods and chattels and real estate only.

Corporators.

Name.

Powers and duties.

SECTION 2. The capital of said bank, to be raised by subscription, shall not exceed one hundred thousand dollars, in shares of one hundred dollars each. It shall have the power of borrowing on its own notes, not exceeding the amount of its capital paid in, and for periods not exceeding one year.

Capital stock and shares.

Power to borrow.

SECTION 3. When twenty thousand dollars have been duly subscribed, and ten thousand dollars thereof actually paid in, the stockholders may organize and proceed to business under this charter.

Organization, conditions of.

Loans on personal property, percentage chargeable.

SECTION 4. The charge on all loans secured by personal property, to cover expenses of every kind, including interest, shall be uniform, and not exceed one and a half per cent. per month.

Shall loan on goods and chattels and discriminate in favor of indigent.

SECTION 5. When the bank has disposable funds, it shall loan on all goods and chattels offered, embraced within its rules and regulations, in the order in which they are offered, with this exception, that the bank may always discriminate in favor of small loans to the indigent. It shall loan to four-fifths of the appraised value on gold and silver plate and ware, and to two-thirds of such value on all other goods and chattels as aforesaid.

Proportion of loans to value of goods.

Government of bank.

SECTION 6. The government of the bank shall be in seven directors, six of whom shall be chosen annually, in October, by the stockholders, and one shall be annually appointed by the mayor of the city of New Bedford; and the board thus created shall elect one of their number president, and such other officers as may be deemed necessary.

Duration of loans and right of redemption.

SECTION 7. All loans secured on personal property shall be on a time fixed, and not over one year, and the pawner shall have a right to redeem at any time within the specified period, on payment of the loan and rate of compensation, to time of offer to redeem.

Unredeemed property, disposal of.

SECTION 8. If the said personal property pledged is not redeemed within the time limited, the same shall be sold at public auction, and the net surplus of all sales, both of real and personal property, after paying loan charges and expenses of all kinds, shall be held one year for the owner; if not then called for, the same shall go in to a fund for the year, when the entire forfeiture takes place, called the "profit and loss fund."

Profit and loss fund.

Losses on loans.

SECTION 9. All losses on loans from failure of title or other cause, shall be satisfied from the said profit and loss fund.

Balance of fund, how disposed of.

SECTION 10. The net balance of said fund, at the end of each year, shall be made up annually to the first day of January, and be doled in fuel to the needy, under the direction of the board, during the months of January, February and March.

Pawner to receive certificate, etc.

SECTION 11. The bank shall give to each borrower a card, inscribed with the name of the bank, the property on which the loan is secured, the name of the borrower, the amount of the loan, the rate of compensation, the date when made, the date when payable, and the page of the book where recorded.

SECTION 12. The whole sum earned each year shall be duly disposed of at the end of the year. The earnings to be divided among the stockholders shall never exceed eight per cent. per annum, and the balance, if any, shall go into said profit and loss fund, and be distributed in charity, as herein before provided.

Net earnings of bank, how disposed of.

SECTION 13. Loans may be made on unincumbered productive real estate situated within the Commonwealth, preference being given to small loans; and no loan upon real estate shall exceed one thousand dollars, and the rate of interest thereon may be eight per cent. per annum or less.

Loans on real estate, limitation of and rate of interest.

SECTION 14. In the case of any and all sales by the bank of the security for any loan under a power of sale, mortgage, or other conveyance, providing for a public sale of the same, to satisfy the terms of the loan, the averment by the bank in its deed of the premises that the borrower had neglected or refused to fulfil the conditions of the loan or some of them; that notice of the time and place of sale had been duly given, and that all the terms and conditions on which the right of the bank to sell and convey the same depends, had been fully and faithfully complied with, shall be final and conclusive evidence of those facts, as between the borrower and all third persons claiming said premises by, through or under said bank; but if any such averment shall be untrue, the borrower may have his action against said bank, and may recover all damages he may have suffered thereby.

In sales of securities, averment in the deed of breach of conditions to be conclusive evidence as between borrower and other claimants.

Borrower's redress for false averment.

SECTION 15. All loans shall be made upon a time fixed; but where the loan is secured by real estate the borrower shall have the privilege of paying off the loan, in whole or in part, at any time before the time so fixed for payment; interest to be charged only on the sum due and unpaid.

Tenure of loans on real estate.

SECTION 16. Any duty, liability, right, power, privilege, immunity or disability granted herein, or imposed on the "borrowers" or "bank," shall be deemed granted to, or imposed on the legal representatives of said parties, respectively.

Liabilities, &c., of "borrowers" imposed on legal representatives.

SECTION 17. The president and directors of said bank shall annually report to the bank commissioners full and accurate statistics of the operations and condition of said bank in the month of October in each year.

Annual report.

SECTION 18. The stockholders of said bank may establish such by-laws, rules and regulations, for conducting the business of said bank, as they may deem necessary, not inconsistent with the laws of the Commonwealth.

By-laws, &c.

SECTION 19. The stock of said bank shall be transferable only at said bank, and on its books. *Approved April 30, 1862.*

Transfer of stock.

[1821, 109; 1822, 12, 56; 1829, 18, 112; 1830, 12; 1831, 65. R. S. 87; 1838, 147; 1853, 179; 1860, 100, 199; 1861, 210.]

Chap. 209

AN ACT in relation to the Police Court of the City of Boston.

Be it enacted, &c., as follows:

Special justice
may perform du-
ties of other jus-
tices during their
absence.

SECTION 1. The special justice of the police court of the city of Boston shall continue to hold his office according to the term of his commission, and at the request of the justice of said court whose duty it may be in rotation to hold any term of said court, or in case of the sickness or absence of any justice or a vacancy, then upon the request of the other justices of said court, or either of them, shall hold any term or terms thereof, and during the time of such sickness, absence or vacancy, shall have and exercise all the powers and duties which by the statutes of this Commonwealth are to be exercised by the justices of said court, and shall receive for such services all the compensation which the justice, whose place he so supplies, would be entitled to receive for the same services during the same time; to be paid out of the salary and fees to which such justice would have been entitled for the like services.

Compensation.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1862.

[1862, 217; 1863, 197; 1866, 279.]

[1861, 205.]

Chap. 211

AN ACT to amend an Act to incorporate the Brookline Water Company.

Be it enacted, &c., as follows:

Repeal.

The eighth section of the act to incorporate the Brookline Water Company, being chapter two hundred and five of the acts of the year eighteen hundred and sixty-one, is hereby repealed.

Approved April 30, 1862.

Chap. 215

AN ACT to establish a Law Term of the Supreme Judicial Court at Plymouth, within and for the County of Plymouth, and to change the Time of holding the October Term of the Superior Court in said County.

Be it enacted, &c., as follows:

Supreme judicial
court in Ply-
mouth.

SECTION 1. A law term of the supreme judicial court for entering and hearing questions of law, civil and criminal, arising in the county of Plymouth, shall be held at Plymouth annually, on the third Tuesday of October.

Law term, return
of process, &c.

SECTION 2. Said term shall be taken to be a term for the return of process, entry of appeals, trials, and for all purposes for which a court may be held by a single justice, in said county; but no jury shall be summoned for said term, unless an order therefor shall be issued by the justices of said court, or one of them, to the clerk of said county.

SECTION 3. The term of the superior court for the county of Plymouth, now required by law to be held at Plymouth, on the third Monday of October, annually, shall be held on the fourth Monday of October. *Approved April 30, 1862.*

Superior court in
Plymouth.

[1862, 209.]

AN ACT concerning Appeals and Removals in proceedings before Police Courts and Justices of the Peace.

Chap. 217

Be it enacted, &c., as follows:

SECTION 1. Whenever an appeal is taken, as now provided by law, to the superior court, in any civil action or proceeding before the police court of the city of Boston, or whenever the same is removed, as provided in this chapter or by any provision of law, to the superior court, the clerk shall transmit the original writ or process and all papers connected therewith or filed in the case, including the recognizances taken before said court, and also a brief certificate of the proceedings, to the clerk of the superior court, and the same shall there be entered in the same manner as copies are now required by law to be entered; and thereupon the same proceedings shall be had, and the same rights and remedies now provided by law in cases appealed or removed from a police court or justice of the peace.

Appeals and re-
movals from po-
lice court of Bos-
ton to superior
court.

Duty of clerk.

SECTION 2. In any action or prosecution so appealed or removed, the clerk shall cause to be entered in a docket carefully kept, the names of all the parties to the same, the nature of the claim, complaint or proceeding, with all the doings of the court thereon, and the final disposition of the same, with the amount of cost taxed in said court—first, for court or magistrates' fees; second, for service; third, for witnesses: and no other record shall be required to be kept, made or extended, than such a docket, and such entries therein, in actions or proceedings so appealed or removed.

Docket, clerk to
keep as record.

SECTION 3. Whenever an appeal is taken, as now provided by law, before the police court of the city of Boston, to the superior court, in any criminal action, the clerk shall transmit a copy of the judgment, the original recognizances, a list of the witnesses and a copy of the bill of costs for which no charge shall be made; and no other papers shall be required to be transmitted.

In case of appeal,
clerk to transmit
judgment, etc.

SECTION 4. Whenever in any civil action returnable before the police court of the city of Boston, the debt or damage claimed exceeds the sum of one hundred dollars, the defendant, if he shall appear at the first term, may at any time within one week after the entry, file an affidavit of merits, as now required by law in actions of a like nature in the

Claims exceeding
\$100 in value, de-
fendant may file
affidavit of mer-
its.

superior court ; and thereupon said action shall be removed to the term of the superior court next sitting in the county, and entered therein by the defendant, in the same manner and subject to the provisions of law as to the removal of cases from the superior court to the supreme judicial court.

Sureties.

SECTION 5. Whenever an appeal is claimed before a police court, or a justice of the peace, by the defendant, in any proceeding in which such defendant has given a bond to dissolve the attachment made in such case as provided by law, no sureties shall be required to prosecute such appeal.

Appeals, defendant may file bond to pay on final judgment.

SECTION 6. In any action or proceeding before a police court or justice of the peace, in which the defendant claims an appeal within the time required by law, such defendant in lieu of furnishing sureties to prosecute said appeal, may within forty-eight hours from the time judgment is rendered, file a bond given and approved in the manner provided for giving bonds to dissolve attachments, in not less than double the amount of debt or damage claimed, conditioned to pay the plaintiff the amount, if any, which he shall recover thereon within thirty days after final judgment.

Approved April 30, 1862.

SECRETARY'S OFFICE, 1861.

In compliance with the 14th section of the 110th chapter of the General Statutes, returns of the following changes of names have been received at the Secretary's Department, as decreed by the several Judges of the Probate Courts, for their respective counties.

SUFFOLK COUNTY.

Armond Christian Armondson, takes the name of Thomas Benson.

Sarah Gertrude Babb, takes the name of Sarah Babb Hobart.

Dora Betzner, takes the name of Lizzie Davis Harding.

Blanche Lillian Brown, takes the name of Blanche Lillian Blake.

Eva Brown, takes the name of Eva Maria Briggs.

Frederick Augustus Case, takes the name of Frederick Augustus Taft.

Fanny Cutter, takes the name of Fannie Starkey.

Sarah Griffiths, takes the name of Ella Melissa Wentworth.

Frederick Hannah, takes the name of Charles Frederick Stevens.

Carrie Lee Hardy, takes the name of Carrie Oakman Gardner.

George Washington Heard, Jr., takes the name of George Farley Heard.

Annie Hitchcock, takes the name of Caroline Elizabeth Spalding.

Mary Louisa Hudson, takes the name of Ella Louisa Scudder.

Matilda Irvin, takes the name of Maria Osborne.

Isaac H. McCartee, takes the name of Isaac H. Carter.

Patrick Mahoney, takes the name of George Henry Miller.

Anna Elizabeth Maiers, takes the name of Annie Elizabeth Humphrey.

Edward F. Milliken, takes the name of Edward Milliken Bumery.

Anna Geraldine O'Shahan, takes the name of Anna Geraldine de Bonneville.

Charles Henry Preston, takes the name of Charles Frank Hardcastle.

John Turner Welles Sargent, takes the name of Turner Sargent.

Cecelia Susan Ward, takes the name of Cecelia Susan Woods.

Walter Weston, takes the name of James Russell Spalding.

Harriet B— Whitaker, takes the name of Harriet Burr Whitaker.

ESSEX COUNTY.

March 19, 1861. Nancy Norwood Lull, of Manchester, takes the name of Kate Norwood Lull.

June 11. John Taylor, of Haverhill, takes the name of John Zach Taylor.

The names of the following minors were changed by reason of their being adopted :

May 7. Hattie P. Mayhew, of Danvers, takes the name of Hattie Mayhew Perry. Emeline Augusta Teague, of South Danvers, takes the name of Emeline Augusta Reith.

May 17. Mary Jane Tullock, of Danvers, takes the name of Mary Jane Demsey.

June 11. Elizabeth Bixby, of Lawrence, takes the name of Elizabeth Frances Ashton.

July 2. Esther Alice Hicks, of Newburyport, takes the name of Alice Hilliard.

July 16. Jonas S. Sinclair, of Boxford, takes the name of John Symonds Dorman.

August 6. William S. Dalton, of Salem, takes the name of George William Winn.

October 1. Emma Jane Getchell, of Lynn, takes the name of Emma Florence French.

December 18. Stephen Wendell Abbott, of Lawrence, takes the name of Wendell Phillips Kenney.

MIDDLESEX COUNTY.

January 22, 1861. Chester Bradshaw Guild, of Charlestown, takes the name of Robert Bradshaw Guild.

April 2. Cabot Hoes Whitaker, of Lowell, takes the name of George Cabot Whitaker.

April 9. Thomas Peachy Tukey, of Lowell, takes the name of Frederick Sumner Tukey. George Brackett, of Somerville, takes the name of George Callender Brackett.

August 13. Dudley C. Boynton, of Medford, takes the name of Dudley Chace Mumford.

The names of the following minors were changed by reason of their being adopted :

February 26. Robert Dunn, of Malden, to Albion Robert Clapp.

March 5. Lucy Ellen Merrill, of Cambridge, to Lucy Merrill Eaton.

April 2. Abby Frances Eastman, of Lowell, to Abby Frances Morrison.

April 9. Ann Foly, of Cambridge, to Ann Reynolds. Carrie Wood Hitchcock, of West Cambridge, to Carrie Abby Wood. Willie Stone, of Tewksbury, to Jonathan Huse Brown.

April 23. Grace Porter, of Cambridge, to Grace Porter Simonds.

May 7. Charlotte L. Coburn, of Lowell, to Annette Nicholas.

May 28. Louisa Emerline Bixby, of Groton, to Hattie Alsie Randall.

June 25. Mary Jane Eginton, of Newton, to Mary Jane Walker.

September 10. William Gaw, of Cambridge, to William Stinson. Hatty Jane Rice, of Medford, to Hattie Jane Marsh.

October 1. George Marshall, of Lowell, to George Gardner Brown.

November 26. Charles Curtis, of Cambridge, to Charles Cook.

December 10. Hattie L. Rand, of Cambridge, to Hattie Adel Packard. Eliza Jane Mayo, of Waltham, to Eliza Jane Pike.

WORCESTER COUNTY.

Annetta E. Dodge, takes the name of Annetta Elizabeth Taft.

Elizabeth S. Williams, takes the name of Minerva Florence Balcome.

Charles Lyman Chickering, takes the name of Charles Lyman Williams.

Caroline Louisa Chickering, takes the name of Caroline Louisa Williams.

Clara Shepherd, takes the name of Clara Etta Shepherd.

James Henry Penney, takes the name of William Henry Gardner.

Herbert Scovell, takes the name of George Herbert Nichols.

Alexander De Witt Scovell, takes the name of De Witt Clinton Nichols.

Ella Maria Spooner, takes the name of Ella Maria Cleveland.

Harriet Augusta Jones, takes the name of Hattie Augusta Taylor.

Almira H. Rockwood, takes the name of Almira H. Wood.

Clarissa Augusta Patch, takes the name of Clarissa Augusta Brigham.

Nellie Phebe Goodman, takes the name of Nellie Phebe Blood.

Carrie May Thompson, takes the name of Carrie May Gould.

Eliza Jane Morse, takes the name of Eliza Jane Rogers.

Benjamin Lee, takes the name of Benjamin Lee O'Callaghan.

Hattie Fitzgerald, takes the name of Lucy Hill.

HAMPSHIRE COUNTY.

The names of the following minors were changed by reason of their being adopted :

January 5, 1861. Caroline J. Hendrichson, of Boston, to Carrie J. Whitehouse.

February 5. Emily Sarah Cole, of Cummington, to Emily Sarah Packard.

May 14. Frederick Lyman Pittsinger, of Enfield, to Frederick Lyman Kimball.

June 4. Margrette Kearney, of Northampton, to Louisa Margrette Macomber.

1862.—CHANGE OF NAMES.

August 13. Mary Elizabeth Gleason, of Athol, to Lillie Sarah Barnard.

October 1. Ida Allen, of Holyoke, to Ida Hatch.

HAMPDEN COUNTY.

The names of the following minors were changed by reason of their being adopted :

March, 1861. Ira H. Clagstone, of Holyoke, to Ira H. Cain. William Speakman, to William Everett Nichols.

April. Monroe Fox, of Granville, to Monroe Stevens Rising.

June. Nellie Eliza Dailey, of Holyoke, to Nellie Eliza Willard. Fannie Estel Dailey, of Holyoke, to Fannie Estella Loomis. Nellie Blake, to Minnie E. Taylor. George Woodbury Fiske, of Holyoke, to George Woodbury Rogers.

July. Kate S. H. Thompson, to Kate Thompson.

September. Nellie May Hosford, of Springfield to Nellie May Clark.

FRANKLIN COUNTY.

The names of the following minors were changed by reason of their being adopted :

January 1, 1861. Charles Robert Bolton, of Boston, to Charles Frederic Clap.

February 5. Harlekin S. Cross, of Rowe, to Harley Cross Amidon.

March 2. Sarah J. Gleason, of Athol, to Lizzie Field Cushing. Eva Maria Gleason, of Athol, to Eva Maria Reed. Oscar D. Fisk, of Warwick, to Oscar D. Hapgood.

March 28. Eugene Thaxter Gurney, of Hawley, to Eugene Thaxter Williams.

August 6. Mary Emma Denslow, of Shelburne, to Mary Emma Vincent.

December 3. Sarah Lizzie Geer, of Ashfield, to Lizzie Maria Blake.

BERKSHIRE COUNTY.

The names of the following minors were changed by reason of their being adopted :

January 1, 1861. Anna Doud, of Washington, to Eva Ann Johnson.

June 4. Sarah Sprong, of Pittsfield to Sarah Leffingroell.

July 17. Cora Mambert, of Sheffield, to Cora Gibson.

July 24. Charles E. Williams, of Adams, to Charles E. Sherman.

NORFOLK COUNTY.

Virginia Bird, takes the name of Mary Elizabeth Drake.

Charles Bird, takes the name of Charles Bird Wade.

Frederick Knox Wait, takes the name of Frederic Wait Foster.

Charles Hall Thing, takes the name of Charles Hall Thwing.

Benjamin F. Cooke, takes the name of Benjamin F. Cook Cressey.

Horatio Davis, takes the name of Charles Davis, Jr.

Charles May Livingston, takes the name of Charles Henry Pierce.

BRISTOL COUNTY.

October 1, 1861. Annie Elizabeth Taggard, takes the name of Annie Elizabeth Hoar.

December 3. Ann Eliza Fish, takes the name of Ann Eliza Gibbs. Nellie Frances Trafton Collins, takes the name of Nellie Frances Trafton Tripp.

No application for change of name has been made to the judges of probate and insolvency, for the counties of Plymouth, Barnstable, Dukes and Nantucket, during the year 1861.

1863.

[1861, 135.]

Chap. 3. AN ACT extending the Time for the Location and Construction of the Dedham and West Roxbury Railroad.*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:*

Extension of time for construction and acceptance by city of Roxbury.

The time allowed to the Dedham and West Roxbury Railroad Company for the location and construction of its railroad, and also for procuring the acceptance of its act of incorporation by the mayor and aldermen of the city of Roxbury, is hereby extended two years.

Approved January 30, 1863.

[1864, 154; 1865, 129; 1866, 176; 1868, 109.]

[1848, 15.]

Chap. 4. AN ACT in addition to an Act to incorporate the Glasgow Company.*Be it enacted, &c., as follows:*

Capital stock, increase authorized.

SECTION 1. The Glasgow Company are hereby authorized to increase their capital stock by the issue of five hundred new shares at the par value of one hundred dollars each.

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1863.

[1864, 206; 1866, 130.]

[1857, 25; 1860, 208; 1861, 179.]

Chap. 5. AN ACT in addition to an Act to incorporate the Fall River and Warren Railroad Company.*Be it enacted, &c., as follows:*

Time for construction extended.

SECTION 1. The time within which the Fall River and Warren Railroad Company shall complete their location is hereby extended to the first day of October in the year eighteen hundred and sixty-three.

Organization and proceedings of corporation confirmed.

SECTION 2. The organization of said company at a meeting of the stockholders thereof held on the twenty-fifth day of June, in the year eighteen hundred and sixty-two, and the proceedings thereat, shall have the same effect and be in all respects as valid as if said meeting had been held previous to the first day of April, in the year eighteen hundred and sixty-two.

Approved February 2, 1863.

[1864, 178, 309; 1865, 51, 71.]

[1841, 28.]

AN ACT in addition to the Acts incorporating the Williston Seminary. *Chap. 7.*
Be it enacted, &c., as follows :

SECTION 1. The Williston Seminary is hereby authorized to hold real and personal estate to the value of fifty thousand dollars, in addition to the amount which it is now authorized to hold; and the income of the same shall be applied to the same purposes as are specified in the act of incorporation of said seminary.

Real and personal estate.

Income, how to be applied.

SECTION 2. This act shall take effect upon its passage.

Approved February 4, 1863.

[1865, 22.]

AN ACT to incorporate the Central Mills Company.

Chap. 8.

Be it enacted, &c., as follows :

SECTION 1. Chester A. Dresser, Samuel Foster, William Foster, and Thomas A. Randall, their associates and successors, are hereby made a corporation by the name of the Central Mills Company, for the purpose of manufacturing cotton and other fibrous materials, in the town of Southbridge, in the county of Worcester; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, and all acts passed subsequent thereto relating to manufacturing corporations.

Corporators.

Name and purpose.

Location.

Powers and duties.

SECTION 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of one hundred thousand dollars; and the whole capital stock of said corporation shall not exceed three hundred thousand dollars, in shares of one hundred dollars each: *provided, however,* that said corporation shall not go into operation, until the sum of fifty thousand dollars of its capital stock has been paid in, in cash.

Real estate.

Capital stock and shares.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved February 5, 1863.

[1861, 105.]

AN ACT in amendment of "An Act for supplying the City of Charlestown with Pure Water." *Chap. 9.*

Be it enacted, &c., as follows :

SECTION 1. The city of Charlestown is hereby authorized for the purpose of constructing and repairing the works authorized by "An Act for supplying the City of Charlestown with pure Water," approved on the twenty-eighth day of March, in the year eighteen hundred and sixty-one, temporarily to lower the waters of Mystic Pond, by erecting

Mystic Pond, city authorized to lower waters of.

Proviso.

temporary tide-gates across Mystic River, at such times and in such manner as may be necessary for said purpose: *provided*, that such tide-gates shall not be erected at any point on said river below Alewife Brook, nor allowed at any time to continue longer than shall be absolutely required for the construction or repair of said works, and that said city shall be liable for all damages occasioned by its proceedings under this act, to be recovered by the party sustaining the same, in the manner provided in the act above referred to.

Governor and council may cause removal of tide-gates.

SECTION 2. If at any time the governor and council shall deem such temporary tide-gates across the Mystic River prejudicial to the harbor of Boston, they shall have power to order said tide-gates to be removed within forty-eight hours, and, if not so removed, the governor and council may cause the same to be removed at the expense of said city of Charlestown.

Repeal.

SECTION 3. Such parts of any existing laws as are inconsistent herewith, are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved February 5, 1863.

[1864, 176; 1865, 135; 1866, 212.]

[1835, 39; 1854, 259; 1857, 12.]

Chap. 10. AN ACT to continue in force an Act incorporating the Berkshire Mutual Fire Insurance Company.

Be it enacted, &c., as follows:

Act incorporating, and additional acts continued in force without limitation.

The act of the year one thousand eight hundred and thirty-five, incorporating the Berkshire Mutual Fire Insurance Company, with any acts in addition thereto or in amendment thereof, shall be continued and remain in force from and after the sixth day of March, in the year one thousand eight hundred and sixty-three; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the general laws which now are or hereafter may be in force relating to such corporations.

Approved February 6, 1863.

[1837, 60; 1844, 46]

Chap. 11. AN ACT to continue in force an Act incorporating the Franklin Mutual Fire Insurance Company.

Be it enacted, &c., as follows:

Act incorporating, and additional acts continued in force without limitation.

SECTION 1. The act of the year one thousand eight hundred and twenty-eight, incorporating the Franklin Mutual Fire Insurance Company, which was continued in force until the eleventh day of February, one thousand eight hundred and sixty-eight, by an act passed in the year one thousand eight hundred and forty-four, with any acts in addition

thereto or in amendment thereof, shall be continued and remain in force from and after the eleventh day of February, one thousand eight hundred and sixty-eight.

SECTION 2. Said company shall have all the powers and privileges, and no other, and be subject to all the duties, liabilities and restrictions, set forth in the general laws which now are or hereafter may be in force relating to such corporations, in the same manner as if the original charter had been granted after the eleventh day of March, in the year one thousand eight hundred and thirty-one.

Approved February 6, 1863.

AN ACT to alter and establish the line between the Towns of Plympton and Halifax. *Chap. 12.*

Be it enacted, &c., as follows :

SECTION 1. The dividing line between the towns of Plympton and Halifax is hereby altered, and established as follows: Beginning at an angle in the line of the town of Middleborough, at a stone monument marked M. P. H.; thence running as the needle now points, north thirty-two degrees west, fifty-three rods, to a stone monument marked P. H., standing in Nathan Fuller's field; thence north fifty-seven degrees and forty-five minutes east, six hundred and seventeen rods, to a stone monument marked P. H. standing where once was "Adam's Rock;" thence same course two hundred and seventy-four rods to a stone monument marked P. H., standing on "Turkey Island," so called; thence north twenty-four degrees and thirty minutes east, two hundred and seventy-six rods, to a stone monument marked P. H., standing at the northerly end of a wall; thence north forty-three degrees and twenty minutes east, three hundred and forty-eight rods, to a stone monument marked P. H., standing on the margin of "Jones' River Pond;" thence northerly to a stone monument marked P. P. H., standing on "Widgeon Point," so called, at an angle of the line of the town of Pembroke.

Boundaries defined.

SECTION 2. All the territory lying on the northerly and westerly side of said line, which has heretofore constituted a part of the town of Plympton, is hereby set off from the town of Plympton and annexed to the town of Halifax, and all the territory lying on the southerly and easterly side of said line, which has heretofore constituted a part of the town of Halifax, together with the inhabitants living thereon, is hereby set off from the town of Halifax and annexed to the town of Plympton; and the persons so set off, and

Territory set off from and annexed to Halifax and Plympton respectively.

who may hereafter become chargeable as paupers, shall receive support from said town of Plympton.

SECTION 3. This act shall take effect upon its passage.

Approved February 6, 1863.

[1853, 415; 1854, 31; 1855, 430; 1857, 89; 1859, 5.]

Chap. 14. AN ACT extending the time for the Location and Construction of the Mystic River Railroad, and authorizing the same to connect with certain other Railroads.

Be it enacted, &c., as follows :

Time for locating and constructing extended.

SECTION 1. The time for locating and constructing the Mystic River Railroad is hereby extended two years beyond the time now allowed by law.

May connect with Eastern, Boston and Lowell, East Boston Freight or Grand Junction companies.

SECTION 2.. The said Mystic River Railroad is hereby authorized to connect its tracks, in the city of Charlestown or in the town of Somerville, with the several tracks of the Eastern Railroad Company, of the Boston and Lowell Railroad Corporation, of the East Boston Freight Railroad Company, and of the Grand Junction Railroad and Depot Company, respectively, and to enter upon and use the same: *provided, however*, that such connection with, entry upon, and use of the tracks of either of said corporations, shall not be made without the consent of such corporation first obtained ; or, in the case of the last named of said corporations, without the like consent of the trustees thereof. And said Eastern Railroad Company, Boston and Lowell Railroad Corporation, East Boston Freight Railroad Company, and Grand Junction Railroad and Depot Company, or the trustees of the last named corporation, are hereby severally authorized, in like manner and on like terms and conditions, to connect with, enter upon and use the tracks of the said Mystic River Railroad.

Proviso.

Corporations named authorized to connect.

Not to cross other railroad without consent.

SECTION 3. Nothing contained in this act, shall be construed as granting any additional power to the said Mystic River Railroad, to cross the track of any other railroad corporation, at grade, without the consent of said other corporation.

Approved February 7, 1863.

[1864, 54; 1865, 56; 1866, 278; 1868, 21.]

[C. 1853, 383; 1854, 205; 1855, 24, 338, 368. N. 1857, 278, 299.]

Chap. 15.

AN ACT concerning the Newton Railroad Company.

Be it enacted, &c., as follows :

May unite with and adopt corporate name of Cambridge Railroad Company.

SECTION 1. The Newton Railroad Company is hereby authorized to unite and consolidate itself with the Cambridge Railroad Company, at such time and on such terms as may be mutually agreed by said corporations ; and when thus united, said corporations shall constitute one corpora-

tion under the name of the Cambridge Railroad Company: *provided, however*, that such union shall be made within Proviso. two years after the passage of this act; and *provided, further*, that the terms of such union shall be approved by a majority in interest of the stockholders of each of said corporations, respectively, who shall be present at meetings called for that purpose, at which a quorum shall be represented, and which shall be notified by publication in two daily papers published in the city of Boston, and approved by the secretary of the Commonwealth, two weeks successively, twelve times in each paper.

SECTION 2. The corporation formed as aforesaid shall have, hold, possess and enjoy all the powers, privileges, rights, franchises, property and estates, which at the time of such union are held and enjoyed by each of the corporations so united, and shall be subject to all the duties, restrictions, obligations and liabilities to which they are severally subject: *provided*, that nothing in this act shall impair the rights of New corporation to have powers of respective companies. any creditor of either of said corporations. Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved February 13, 1863.

[C. 1863, 101; 1864, 243.]

AN ACT to confirm certain Acts done by William Hobbs, Junior, as a Notary Public. *Chap. 16.*

Be it enacted, &c., as follows:

SECTION 1. All acts done by William Hobbs, junior, of Roxbury, in the county of Norfolk, as a notary public, within and for the county of Suffolk, between the fifteenth day of May and the twenty-second day of November, in the year eighteen hundred and sixty-two, are hereby made valid and confirmed to the same extent as though he had been during that interval duly qualified to discharge the duties of said office. Acts made valid.

SECTION 2. This act shall take effect upon its passage.

Approved February 13, 1863.

[1844, 22.]

AN ACT to amend and continue in Force An Act incorporating the Relief Steamboat Company. *Chap. 18.*

Be it enacted, &c., as follows:

The act of the year one thousand eight hundred and forty-four, entitled "An Act to incorporate the Relief Steamboat Company," is hereby amended by taking therefrom the words, "within the waters of New England;" and said act so amended, shall be continued and remain in force, from and after the eleventh day of February, in the year one thousand Restriction removed and Act continued without limitation of time.

Powers and duties.

eight hundred and sixty-four; with all the powers and privileges, and subject to all the duties, liabilities and restrictions contained in the general laws, which now are or hereafter may be in force relating to such corporation.

Approved February 13, 1863.

[1861, 148.]

Chap. 19. AN ACT in addition to An Act to incorporate the Worcester Horse Railroad Company.

Be it enacted, &c., as follows:

Provisions extended two years.

The provisions of chapter one hundred and forty-eight of the acts of the year one thousand eight hundred and sixty-one, entitled "An Act to incorporate the Worcester Horse Railroad Company," are hereby extended for the term of two years from the passage of this act.

Approved February 13, 1863.

[1864, 102; 1866, 182; 1867, 141.]

[1860, 68.]

Chap. 20. AN ACT in relation to the Worcester South-East Agricultural Society.

Be it enacted, &c., as follows:

Annual fair to be held in September.

The Worcester South-East Agricultural Society shall hereafter commence its annual fair on the last Tuesday in September.

Approved February 14, 1863.

Chap. 21. AN ACT to incorporate the Trustees of the Permanent Peace Fund.

Be it enacted, &c., as follows:

Corporators.

Name and purpose.

Powers and duties.

Real and personal estate.

SECTION 1. Joseph W. Converse, J. W. Parker, William C. Brown, Lewis T. Stoddard, George C. Beckwith, and their successors, are hereby made a corporation by the name of the Trustees of the Permanent Peace Fund, a fund devoted to the support and prosecution of the cause of international peace, and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes, so far as the same may be applicable.

SECTION 2. Said corporation may take and hold real and personal estate to an amount not exceeding fifty thousand dollars; but nothing in this act shall be so construed as to exempt any part of said estate from taxation.

Approved February 16, 1863.

[1860, 18.]

Chap. 23. AN ACT to extend the time for Locating and Constructing the North Attleborough Branch Railroad.

Be it enacted, &c., as follows:

Time for locating and constructing extended.

The time for locating and constructing the North Attleborough Branch Railroad is hereby extended two years beyond the time now allowed by law.

Approved February 17, 1863.

[1865, 8; 1867, 171.]

[1827, 7; 1857, 42.]

AN ACT to authorize the Springfield Institution for Savings to hold Real Estate. *Chap. 24.*

Be it enacted, &c., as follows:

SECTION 1. The Springfield Institution for Savings is hereby authorized to hold real estate to the amount of fifty thousand dollars: *provided*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site, and the erection or preparation of a suitable building, to be used for banking purposes; and all income, if any, arising from such real estate, shall be devoted exclusively to the interests of said corporation.

\$50,000 in real estate.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1863.

[1866, 202.]

AN ACT to incorporate the Protective War Claim Association.

Chap. 26.

Be it enacted, &c., as follows:

SECTION 1. George Tyler Bigelow, Amos A. Lawrence, Ebenezer R. Hoar, Joseph Coolidge, Frederick W. Lincoln, junior, Richard Frothingham, George S. Hillard, Patrick Donahoe, Charles E. Norton, Edward Atkinson, U. Tracy Howe, and their associates and successors, are hereby made a corporation by the name of The Protective War Claim Association, for the purpose of assisting men belonging to the army and navy, and their families, in obtaining the allowance of claims upon the government of the United States for pensions, pay or bounties.

Corporators.

Name and purpose.

SECTION 2. Said corporation may, for the purposes aforesaid, hold personal estate, not exceeding in value ten thousand dollars, and shall have all the privileges, and be subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes.

\$10,000 in personal estate.

Powers and duties.

SECTION 3. This act shall take effect upon its passage.

Approved February 19, 1863.

AN ACT to incorporate the Hyde Park Woollen Company.

Chap. 27.

Be it enacted, &c., as follows:

SECTION 1. Josiah Bardwell, Charles H. Allen, and George F. Peirce, their associates and successors, are hereby made a corporation by the name of the Hyde Park Woollen Company, for the purpose of manufacturing woollen goods in Dorchester, in the county of Norfolk; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, and all acts passed subsequently thereto relative to manufacturing corporations.

Corporators.

Name and purpose.

Powers and duties.

\$60,000 in real estate.

Capital stock and shares.

Proviso.

SECTION 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of sixty thousand dollars; and the whole capital stock of said corporation shall not exceed one hundred thousand dollars, in shares of one hundred dollars each: *provided, however*, that said corporation shall not go into operation until the sum of fifty thousand dollars of its capital stock has been paid in, in cash.

SECTION 3. This act shall take effect upon its passage.

Approved February 19, 1863.

[1864, 24.]

Chap. 29.

AN ACT to incorporate the Dighton and Somerset Railroad Company.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. William Cobb, of Dighton, Job M. Leonard, of Somerset, Albert Field, Samuel L. Crocker and Sylvanus N. Staples, of Taunton, all of the county of Bristol, their associates and successors, are hereby made a corporation by the name of the Dighton and Somerset Railroad Company, with all the privileges, and subject to all the restrictions, duties and liabilities, (except as hereinafter provided,) set forth in the sixty-third and sixty-eighth chapters of the General Statutes of this Commonwealth.

Powers and duties.

Location and construction, line of, defined.

SECTION 2. The said company may locate, construct and operate a railroad, commencing at some point on the Taunton Branch Railroad, or upon the New Bedford and Taunton Railroad, at or near the passenger station of said roads, in Taunton, thence in a southerly direction and upon the westerly side of Taunton River, through said towns of Taunton and Dighton, and to a point in the town of Somerset, upon the line of the Fall River and Warren Railroad, or to a line below Wilber's Pond in said Somerset, upon the channel of said river, where there is sufficient water at low tide for vessels; said line to be determined by three commis-

Commissioners to determine line.

sioners to be appointed by the supreme judicial court: said commissioners shall select a line which shall accommodate said company, and not be prejudicial to the harbor of Fall River; the award of said commissioners, or a major part of them, fixing said line, when approved by the governor and council, shall be final. Said company may construct to said line, such wharves as are necessary for their accommodation, the number and location of said wharves to be determined by said commissioners and approved by the governor and council; and said award, and the number and location of said wharves, when approved as aforesaid, shall be filed by said company, with their location; with the county commissioners of Bristol county. Said commissioners shall be paid

Award, when approved by governor and council to be final.

Company may construct wharves.

Award, and location of wharves to be filed with Bristol Co. commissioners.

by said company for fixing said line, and the number and location of said wharves. Compensation of commissioners.

SECTION 3. Said company may cross with their road aforesaid, at grade, the streets in Taunton, between the said passenger station and Bow Street, so called, and the two streets in Dighton, near Zebulon's Landing, so called, and near the proposed passenger station of said company, at the village near said landing. Said company may also cross with their road, Three Mile River, and such coves and inlets of Taunton River as may be necessary. Location of crossings in Taunton and Dighton.
May cross Three Mile and Taunton Rivers.

SECTION 4. Said company may unite with the Fall River and Warren, Taunton Branch, and New Bedford and Taunton Railroads, and use the tracks of such of said roads as it unites with, upon the terms, and subject to the provisions of the statutes of this Commonwealth, relating to railroads and railroad corporations. May unite with and use tracks of corporations named.

SECTION 5. The capital stock of said company shall be fixed by said company at an amount not less than three hundred thousand dollars, nor more than four hundred thousand dollars, and shall be divided into shares of one hundred dollars each. Said company may purchase and hold such real and personal estate as may be necessary for the purposes for which it is incorporated. Capital stock and shares.
Real and personal estate.

SECTION 6. This act shall be void unless the said railroad is located within two years, and constructed within three years, from the passage hereof. Time for location and construction.

SECTION 7. This act shall take effect upon its passage.

Approved February 21, 1863.

[1863, 206; 1864, 101; 1866, 41.]

[1860, 134.]

AN ACT to authorize George H. Rogers to build Wharves in Gloucester. *Chap. 30.*
Be it enacted, &c., as follows:

SECTION 1. George H. Rogers, of Boston, is hereby authorized to build wharves in front of his land at the head of the harbor in the town of Gloucester, extending the same not more than two hundred feet from high-water mark: *provided*, that this grant shall not affect the legal rights of any person. Wharves in Gloucester.
Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved February 21, 1863.

[1865, 5; 1866, 145.]

[1862, 128.]

Chap. 32. AN ACT to extend the time within which to locate and construct the New York and Boston Railroad.

Be it enacted, &c., as follows :

Time for locating
and constructing
extended.

The time for locating and constructing the New York and Boston Railroad, is hereby extended two years beyond the time now allowed by law.

Approved February 21, 1863.

Chap. 35. AN ACT to authorize Nathaniel P. Wiley and others to build a Wharf in the Town of Wellfleet.

Be it enacted, &c., as follows :

Wharf on At-
wood's Beach.

Wharfage and
dockage.
Proviso.

SECTION 1. Nathaniel P. Wiley, John C. Peak, Knowles Dyer, Theodore Brown, and Harvey O. Sparrow are hereby authorized to build a wharf upon the land and flats owned by them in common on the south side of Atwood's Beach, in the town of Wellfleet, and to extend said wharf to the channel of the harbor, and to lay vessels at the said wharf, and receive wharfage and dockage therefor: *provided*, that this grant shall in no wise impair the legal rights of any person.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1863.

[1859, 202; 1861, 4; 1862, 192.]

Chap. 36. AN ACT authorizing the Lynn and Boston Railroad Company to lease certain Railroads.

Be it enacted, &c., as follows :

May leave Winni-
simmet road.

May lease or re-
ceive transfer
from Boston and
Chelsea road.

SECTION 1. The Lynn and Boston Railroad Company is hereby authorized to lease the Winnisimmet Railroad, on such terms and conditions as may be approved by a majority in interest of the stockholders of said companies, respectively, at meetings legally called for that purpose.

SECTION 2. The Lynn and Boston Railroad Company is hereby authorized to receive a transfer of any existing lease of the Boston and Chelsea Railroad; or, upon such lease being cancelled by consent of parties in interest, the said Lynn and Boston Railroad Company is hereby authorized to lease said Boston and Chelsea Railroad, on such terms and conditions as may be approved by a majority in interest of the stockholders of said companies, respectively, at meetings legally held for that purpose.

SECTION 3. This act shall take effect upon its passage.

Approved February 27, 1863.

[1865, 184.]

[1847, 15.]

AN ACT to increase the Capital Stock of the Springfield Gas-light Company.

Chap. 37.

Be it enacted, &c., as follows :

SECTION 1. The Springfield Gas-light Company is hereby authorized to increase its capital stock, by adding thereto an amount not exceeding one hundred thousand dollars, to be divided into shares of one hundred dollars each, and to be paid in in such instalments as the directors of said corporation shall determine. \$100,000 additional capital stock.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1863.

[1861, 222; 1862, 66, 166.]

AN ACT to legalize the doings of Towns in aid of the War.

Chap. 38.

Be it enacted, &c., as follows :

SECTION 1. The acts and doings of cities and towns in paying or agreeing to pay bounties and recruiting expenses for soldiers already furnished by them, upon the requisition of the United States, and upon the call of the governor, for the present war, together with taxes that have been or may be assessed, and payments and obligations that have been or may be made or given by them for those objects, are hereby ratified, confirmed and made valid. Assessing taxes and paying bounties legalized.

SECTION 2. This act shall take effect upon its passage.

Approved February 27, 1863.

[1863, 58, 79, 122, 176, 218, 222; 1864, 47, 48, 65, 84; 1866, 172, 282; 1867, 136; 1868, 107, 115.]

[1843, 100.]

AN ACT to continue in force an Act incorporating the Mutual Marine Insurance Company.

Chap. 39.

Be it enacted, &c., as follows :

SECTION 1. The act of the year one thousand eight hundred and forty-three, incorporating the Mutual Marine Insurance Company, shall be continued and remain in force from and after the twenty-fourth day of March in the year one thousand eight hundred and sixty-three, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the general laws which now are or hereafter may be in force in relation to such corporations. Corporate powers continued without limitation of time.

SECTION 2. The reserved profits which shall be held by said company at the time of the expiration of its present charter, whether represented by scrip or otherwise, either from terminated or untermiated policies, shall be divided among the respective persons and corporations, respectively entitled thereto under the present charter and by-laws. Reserved profits, how divided.

Profits may be allowed to remain, by mutual consent.

SECTION 3. It shall be lawful for the said company to agree with any of such persons or corporations to allow and permit the whole or any part of such profits, accruing to them respectively, to remain with said company, and to permit such persons or corporations to receive such portion of the future profits of the business of said company as shall be deemed just and equitable.

Remaining profits to be a permanent fund.

SECTION 4. Any of the reserved profits aforesaid which shall be continued with said company shall, to the extent thereof, be deemed and taken to be a permanent fund, in lieu and stead of the subscription note provided to be given in and by the thirty-fifth and succeeding sections of the fifty-eighth chapter of the General Statutes.

Reserved and future profits not to be withdrawn, except, &c.

SECTION 5. No part of the future profits arising from the business of the said insurance company, and no part of the said reserved profits which shall be permitted to remain with the said company as aforesaid, shall be withdrawn from the said company except for the payment of losses and expenses; except that the said company may from time to time pay to the parties respectively entitled thereto such sums as shall be received or realized from the investment of such profits; and said company may, from time to time, pay off such reserved profits so left with them as aforesaid, and such portion of their future profits as the persons or corporations entitled to such reserved profits shall be allowed to receive pursuant to the provisions of the third section of this act: *provided*, such payment shall leave net earned profits with said company, as a permanent fund, to the amount of not less than two hundred thousand dollars.

Proviso.

Corporation may pay for use of notes and profits.

SECTION 6. The said corporation may, from year to year, pay for the use of subscription notes taken by them, and for the use of the reserved profits as aforesaid, such percentage as may be determined upon by the directors of said corporation, the same to be paid in money at the expiration of each year, if, in the opinion of the directors, the same can be done without injury to the capital or permanent fund of the corporation.

Approved February 27, 1863.

[1853, 56.]

Chap. 40. AN ACT to continue in force an Act incorporating the Commercial Mutual Marine Insurance Company.

Be it enacted, &c., as follows :

Corporate powers continued without limitation of time.

SECTION 1. The act of the year one thousand eight hundred and fifty-three, incorporating the Commercial Mutual Marine Insurance Company, shall be continued and remain in force from and after the seventeenth day of March, in the year one thousand eight hundred and sixty-three, with

all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the general laws which now are, or hereafter may be in force, in relation to such corporations.

SECTION 2. The reserved profits which shall be held by said company at the time of the expiration of its present charter, whether represented by scrip or otherwise, either from terminated or untermiated policies, shall be divided among the respective persons and corporations respectively entitled thereto under the present charter and by-laws.

Reserved profits,
how divided.

SECTION 3. It shall be lawful for the said company to agree with any of such persons or corporations, to allow and permit the whole or any part of such profits accruing to them respectively, to remain with said company, and to permit such persons or corporations to receive such portion of the future profits of the business of said company as shall be deemed just and equitable.

Profits may be al-
lowed to remain,
by mutual con-
sent.

SECTION 4. Any of the reserved profits aforesaid which shall be continued with said company shall, to the extent thereof, be deemed and taken to be a permanent fund in lieu and stead of the subscription notes provided to be given in and by the thirty-fifth and succeeding sections of the fifty-eighth chapter of the General Statutes.

Remaining prof-
its to be a per-
manent fund.

SECTION 5. No part of the future profits arising from the business of the said insurance company, and no part of the said reserved profits which shall be permitted to remain with the said company as aforesaid, shall be withdrawn from the said company, except for the payment of losses and expenses; except that the said company may, from time to time, pay to the parties respectively entitled thereto such sums as shall be received or realized from the investment of such profits; and said company may, from time to time, pay off such reserved profits so left with them as aforesaid, and such portion of their future profits as the persons or corporations entitled to such reserved profits shall be allowed to receive, pursuant to the provisions of the third section of this act: *provided*, such payment shall leave net earned profits with said company, as a permanent fund, to the amount of not less than two hundred thousand dollars.

Reserved and fu-
ture profits not
to be withdrawn,
except, &c.

SECTION 6. The said corporation may, from year to year, pay for the use of subscription notes taken by them, and for the use of the reserved profits as aforesaid, such percentage as may be determined upon by the directors of said corporation, the same to be paid in money at the expiration of each year, if, in the opinion of the directors, the same can be done without injury to the capital or permanent fund of the corporation.

Proviso.

Corporation may
pay for use of
notes and profits.

Approved February 27, 1863.

Chap. 42. AN ACT to enable the Trustees of the Methodist Episcopal Church in Gloucester to sell Property, and for other Purposes.

Be it enacted, &c., as follows :

Trustees authorized to sell house at public auction.

May distribute proceeds.

May sell land and apply proceeds for benefit of church.

Deeds.

Trustees made body corporate.

SECTION 1. Aaron D. Wells, Edward Perkins, Charles Douglas, William H. Wonson, third, and John Lane, the trustees of the Methodist Episcopal Church in Gloucester, successors to Aaron Wait, Thomas Hiller, Amos Story, Nathaniel Witham and Samuel Marston, all deceased, the trustees of said church, named as grantees in the deed of Benjamin Hiller, dated the twenty-fourth day of January, in the year eighteen hundred and twenty-seven, recorded with Essex deeds, on the twenty-fourth day of March, in the year eighteen hundred and twenty-eight, are hereby authorized to sell at public auction to the highest bidder, first giving notice of the time and place of sale, by publication in the Gloucester Telegraph and News, a newspaper published in Gloucester, for three successive weeks next before such sale, the meeting-house standing on the land conveyed by said deed ; and to distribute the proceeds, after payment of the debts due on said meeting-house and the costs of said sale, among the owners of pews in said meeting-house, in proportion to the original appraisement thereof ; and also to sell in like manner and on like notice, the land conveyed by said deed, and to hold and apply the proceeds thereof, less the costs of sale, in lieu of said land for the benefit of said church, as the trusts in said deed declared ; and they are hereby authorized to give to the purchasers at such sales, good and sufficient deeds of the property sold, free and discharged of all trusts whatsoever.

SECTION 2. The said trustees and their successors, are hereby made a body corporate by the name of The Trustees of the First Society of the Methodist Episcopal Church in Gloucester, with all the powers and privileges, and subject to all the duties and liabilities contained in the thirtieth chapter of the General Statutes, applicable to the trustees of societies of the Methodist Episcopal Church.

SECTION 3. This act shall take effect upon its passage.

Approved February 27, 1863.

[1838, 39.]

Chap. 43. AN ACT to change the name of the Fifth Universalist Society in Boston.
Be it enacted, &c., as follows :

Name changed.

The Fifth Universalist Society, in Boston, shall hereafter be called and known by the name of the Shawmut Universalist Society.

Approved February 27, 1863.

[1850, 160; 1855, 376.]

AN ACT to reduce the Capital Stock of the Rockport Bank.

Chap. 45.

Be it enacted, &c., as follows:

SECTION 1. The president, directors and company of the Rockport Bank are hereby authorized to reduce their capital stock to the sum of one hundred thousand dollars: *provided*, that said reduction shall not take place until the bank commissioners, or a majority of them, shall have certified in writing to the governor and council, after due examination, that the said corporation has sufficient funds for the payment of all notes, bills, deposits and other liabilities existing against it, and for the purchase and extinguishment of five hundred shares of its stock, and after the payment of all liabilities, and the purchase of its stock, as aforesaid, the sum of one hundred thousand dollars will remain in said bank, as capital stock, in funds available for all usual and proper banking purposes.

Capital stock may be reduced.

Proviso.

SECTION 2. The capital stock of said bank shall be reduced, as aforesaid, by the purchase and extinguishment by said corporation, of five hundred shares of its stock, so that each of the remaining one thousand shares shall be of the par value of one hundred dollars; and when the capital stock is reduced, as aforesaid, and the president and cashier of said bank shall have certified in writing to the governor and council that the capital stock of said bank has been reduced in manner as provided by this act, then all the rights, duties and liabilities of said bank shall have relation to, and be governed by, said reduced capital stock of one hundred thousand dollars; and until said reduction is made, and the certificate of the president and cashier is made, as aforesaid, said bank shall continue to pay into the treasury of the Commonwealth the tax required by law upon its present capital stock.

Reduction, how to be effected.

Governor to be certified of acts.

Tax to continue until filing of certificate.

SECTION 3. It shall be the duty of the bank commissioners, or a majority of them, to make the examination provided for by this act, and the necessary expenses incurred by them in so doing shall be paid by said corporation.

Bank commissioners to make examination.

SECTION 4. This act shall take effect upon its passage.

Approved March 3, 1863.

[1830, 116; 1833, 153; 1844, 29; 1850, 210.]

AN ACT to reduce the Capital Stock of the Merchants' Bank of Newburyport. Chap. 46.

Be it enacted, &c., as follows:

SECTION 1. The president, directors and company of the Merchants' Bank of Newburyport, are hereby authorized to

Capital stock may be reduced.

Proviso.

reduce their capital stock to the sum of one hundred and twenty thousand dollars: *provided*, that no dividend of any part of the present capital stock shall be made, nor shall such reduction take place until the bank commissioners, or a majority of them, shall have certified in writing to the governor and council, after due examination, that the said corporation has sufficient funds for the payment of all notes, bills, deposits and other liabilities existing against it, and that after payment thereof, the sum of one hundred and twenty thousand dollars will remain in said bank as capital stock, in funds available for all usual and proper banking purposes.

Surplus fund to be divided.

SECTION 2. Nothing contained in this act shall be construed to authorize said corporation by the reduction aforesaid to create a surplus fund, but any such surplus of assets which shall remain above the reduced capital, shall, after such reduction, be divided, from time to time, as the same is realized, among the holders of stock in said corporation.

Shares, number and par value.

SECTION 3. No reduction shall be made in the number of shares of the capital stock of said corporation, but on or before payments of surplus as aforesaid, or dividends, the old certificates shall be called in and cancelled, and new certificates issued representing the shares as of the par value of twenty dollars.

Bank commissioners to make examination.

To make certificate to governor and council.

SECTION 4. It shall be the duty of the bank commissioners, or a majority of them, to make the examination provided for in this act, and the necessary expenses incurred by them in so doing, shall be paid by said corporation; and when the bank commissioners shall have made and delivered their certificate to the governor and council as aforesaid, all the rights, duties and liabilities of said bank shall have relation to, and be governed by, said reduced capital stock of one hundred and twenty thousand dollars; and until said reduction is made, said bank shall continue to pay into the treasury of the Commonwealth the tax required by law upon its present capital stock.

SECTION 5. This act shall take effect upon its passage.

Approved March 3, 1863.

[1851, 140; 1855, 291.]

Chap. 47. AN ACT in addition to an Act incorporating the Berkshire Life Insurance Company.

Be it enacted, &c., as follows:

Guaranty stock may be extinguished.

SECTION 1. The Berkshire Life Insurance Company is hereby authorized, whenever so directed by a vote of the assured, to redeem at par and extinguish all or any part of

its original guaranty capital stock; and to appropriate for this purpose, so much of its funds as may be necessary.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1863.

[1864, 135; 1866, 44.]

AN ACT to incorporate the Granite Mills.

Chap. 48.

Be it enacted, &c., as follows:

SECTION 1. Charles O. Shove, William Mason, S. H. Miller, their associates and successors, are hereby made a corporation by the name of the Granite Mills, for the purpose of manufacturing cotton and other fibrous materials in the city of Fall River, in the county of Bristol; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the sixtieth and sixty-eight chapters of the General Statutes, and all acts passed subsequent thereto, relating to manufacturing corporations.

Corporators.

Name.

Location.

Powers and duties.

SECTION 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of two hundred and fifty thousand dollars, and the whole capital stock of said corporation shall not exceed five hundred thousand dollars: *provided, however*, that said corporation shall not go into operation until the sum of one hundred and seventy-five thousand dollars of its capital stock has been paid in, in cash.

Real estate.

Capital stock.

Proviso

SECTION 3. This act shall take effect upon its passage.

Approved March 3, 1863.

[1830, 115; 1836, 173; 1849, 217; 1855, 384.]

AN ACT to reduce the Capital Stock of the Fairhaven Bank.

Chap. 49

Be it enacted, &c., as follows:

SECTION 1. The president, directors and company of the Fairhaven Bank are hereby authorized to reduce their capital stock to the sum of two hundred and forty thousand dollars: *provided*, that no dividend of any part of the present capital stock shall be made, nor shall such reduction take place, until the bank commissioners, or a majority of them, shall have certified in writing to the governor and council, after due examination, that the said corporation has sufficient funds for the payment of all notes, bills, deposits and other liabilities existing against it, and that after payment thereof, the sum of two hundred and forty thousand dollars will remain in said bank as capital stock, in funds available for all usual and proper banking purposes.

Capital stock may be reduced.

Proviso.

SECTION 2. Nothing contained in this act shall be construed to authorize said corporation, by the reduction afore-

Surplus fund to be divided.

said, to create a surplus fund ; but any such surplus of assets which shall remain above the reduced capital shall, after such reduction, be divided from time to time, as the same is realized, among the holders of stock in said corporation.

Shares, number and par value.

SECTION 3. No reduction shall be made in the number of shares of the capital stock of said corporation, but on or before payments of surplus as aforesaid, or dividends, the old certificates shall be called in and cancelled, and new certificates issued representing the shares as of the par value of eighty dollars.

Bank commissioners to make examination.

To certify to governor and council.

SECTION 4. It shall be the duty of the bank commissioners, or a majority of them, to make the examination provided for by this act, and the necessary expenses incurred by them in so doing shall be paid by said corporation ; and when the bank commissioners shall have made and delivered their certificate to the governor and council as aforesaid, all the rights, duties and liabilities of said bank shall have relation to, and be governed by, said reduced capital stock of two hundred and forty thousand dollars ; and until said reduction is made said bank shall continue to pay into the treasury of the Commonwealth the tax required by law upon its present capital stock.

SECTION 5. This act shall take effect upon its passage.

Approved March 3, 1863.

[1812, 42; 1813, 121; 1830, 58; 1849, 217.]

Chap. 50.

AN ACT to reduce the Capital Stock of the Marblehead Bank.

Be it enacted, &c., as follows :

Capital stock may be reduced.

Proviso.

SECTION 1. The president, directors and company of the Marblehead Bank are hereby authorized to reduce their capital stock to the sum of one hundred and two thousand dollars : *provided*, that no dividend of any part of the present capital stock shall be made, nor shall such reduction take place, until the bank commissioners, or a majority of them, shall have certified in writing to the governor and council, after due examination, that the said corporation has sufficient funds for the payment of all notes, bills, deposits and other liabilities existing against it, and that after payment thereof the sum of one hundred and two thousand dollars will remain in said bank as capital stock, in funds available for all usual and proper banking purposes.

Surplus fund to be divided.

SECTION 2. Nothing contained in this act shall be construed to authorize said corporation, by the reduction aforesaid, to create a surplus fund ; but any such surplus of assets which shall remain above the reduced capital shall, after such reduction, be divided from time to time, as the same is realized, among the holders of stock in said corporation.

SECTION 3. No reduction shall be made in the number of shares of the capital stock of said corporation ; but on or before payments of surplus as aforesaid, or dividends, the old certificates shall be called in and cancelled, and new certificates issued representing the shares as of the par value of eighty-five dollars.

Shares, number
and par value.

SECTION 4. It shall be the duty of the bank commissioners, or a majority of them, to make the examination provided for in this act, and the necessary expenses incurred by them in so doing shall be paid by said corporation ; and when the bank commissioners shall have made and delivered their certificate to the governor and council as aforesaid, all the rights, duties and liabilities of said bank shall have relation to, and be governed by, said reduced capital stock of one hundred and two thousand dollars ; and until said reduction is made, said bank shall continue to pay into the treasury of the Commonwealth the tax required by law upon its present capital stock.

Bank commis-
sioners to make
examination.

To certify to
governor and
council.

SECTION 5. This act shall take effect upon its passage.

Approved March 3, 1863.

[1835, 66; 1849, 217; 1851, 194; 1853, 221; 1857, 212.]

AN ACT to reduce the Capital Stock of the Lee Bank.

Chap. 51.

Be it enacted, &c., as follows :

SECTION 1. The president, directors and company of the Lee Bank are hereby authorized to reduce their capital stock to the sum of two hundred and ten thousand dollars : *provided*, that no dividend of any part of the present capital stock shall be made, nor shall such reduction take place until the bank commissioners, or a majority of them, shall have certified in writing to the governor and council, after due examination, that the said corporation has sufficient funds for the payment of all notes, bills, deposits and other liabilities existing against it, and that after payment thereof the sum of two hundred and ten thousand dollars will remain in said bank as capital stock in funds available for all usual and proper banking purposes.

Capital stock may
be reduced.

Proviso.

SECTION 2. Nothing contained in this act shall be construed to authorize said corporation, by the reduction aforesaid, to create a surplus fund ; but any such surplus of assets which shall remain above the reduced capital shall, after such reduction, be divided from time to time, as the same is realized, among the holders of stock in said corporation.

Surplus fund to
be divided.

SECTION 3. No reduction shall be made in the number of shares of the capital stock of said corporation ; but on or

Shares, number
and par value.

before payments of surplus as aforesaid, or of dividends, the old certificates shall be called in and cancelled, and new certificates issued representing the shares as of the par value of seventy dollars.

Bank commis-
sioners to make
examination.

To certify to
governor and
council.

SECTION 4. It shall be the duty of the bank commissioners, or a majority of them, to make the examination provided for by this act, and the necessary expenses incurred by them in so doing shall be paid by said corporation; and when the bank commissioners shall have made and delivered their certificate to the governor and council as aforesaid, all the rights, duties and liabilities of said bank shall have relation to, and be governed by said reduced capital stock of two hundred and ten thousand dollars; and until said reduction is made said bank shall continue to pay into the treasury of the Commonwealth the tax required by law upon its present capital stock.

SECTION 5. This act shall take effect upon its passage.

Approved March 3, 1863.

[1832, 121; 1836, 86; 1849, 217; 1857, 190.]

Chap. 52.

AN ACT to reduce the Capital Stock of the Wrentham Bank.

Be it enacted, &c., as follows :

Capital stock may
be reduced.

Proviso.

SECTION 1. The president, directors and company of the Wrentham Bank are hereby authorized to reduce their capital stock to the sum of one hundred and five thousand dollars: *provided*, that no dividend of any part of the present capital stock shall be made nor shall such reduction take place until the bank commissioners, or a majority of them, shall have certified in writing to the governor and council, after due examination, that the said corporation has sufficient funds for the payment of all notes, bills, deposits and other liabilities existing against it, and that after payment thereof the sum of one hundred and five thousand dollars will remain in said bank as capital stock in funds available for all usual and proper banking purposes.

Surplus fund to
be divided.

SECTION 2. Nothing contained in this act shall be construed to authorize said corporation, by the reduction aforesaid, to create a surplus fund, but any such surplus of assets which shall remain above the reduced capital shall, after such reduction, be divided from time to time, as the same is realized, among the holders of stock in said corporation.

Shares, number
and par value.

SECTION 3. No reduction shall be made in the number of shares of the capital stock of said corporation; but on or before payments of surplus as aforesaid, or dividends, the old certificates shall be called in and cancelled, and new certificates issued representing the shares as of the par value of seventy dollars.

SECTION 4. It shall be the duty of the bank commissioners, or a majority of them, to make the examination provided for in this act, and the necessary expenses incurred by them in so doing shall be paid by said corporation; and when the bank commissioners shall have made and delivered their certificate to the governor and council as afore said, all the rights, duties and liabilities of said bank shall have relation to, and be governed by, said reduced capital stock of one hundred and five thousand dollars; and until said reduction is made said bank shall continue to pay into the treasury of the Commonwealth the tax required by law upon its present capital stock.

Bank commis-
sioners to make
examination.

To certify to
governor and
council.

SECTION 5. This act shall take effect upon its passage.

Approved March 3, 1863.

[1866, 245.]

[1836, 253; 1849, 217; 1853, 210; 1854, 152.]

AN ACT to reduce the Capital Stock of the Waltham Bank.

Chap. 53.

Be it enacted, &c., as follows :

SECTION 1. The president, directors and company of the Waltham Bank are hereby authorized to reduce their capital stock to the sum of one hundred and fifty thousand dollars: *provided*, that no dividend of any part of the present capital stock shall be made nor shall such reduction take place until the bank commissioners or a majority of them shall have certified in writing to the governor and council, after due examination, that the said corporation has sufficient funds for the payment of all notes, bills, deposits and other liabilities existing against it, and that after payment thereof the sum of one hundred and fifty thousand dollars will remain in said bank as capital stock in funds available for all usual and proper banking purposes.

Capital stock may
be reduced.

Proviso.

SECTION 2. Nothing contained in this act shall be construed to authorize said corporation, by the reduction aforesaid, to create a surplus fund, but any such surplus of assets which shall remain above the reduced capital shall, after such reduction, be divided from time to time, as the same is realized, among the holders of stock in said corporation.

Surplus fund to
be divided.

SECTION 3. No reduction shall be made in the number of shares of the capital stock of said corporation; but on or before payments of surplus as aforesaid, or of dividends, the old certificates shall be called in and cancelled, and new certificates issued representing the shares as of the par value of seventy-five dollars.

Shares, number
and par value.

SECTION 4. It shall be the duty of the bank commissioners, or a majority of them, to make the examination pro-

Bank commis-
sioners to make
examination.

To certify to gov-
ernor and coun-
cil.

vided for in this act, and the necessary expenses incurred by them shall be paid by said corporation. When the bank commissioners shall have made and delivered their certificate to the governor and council as aforesaid, all the rights, duties and liabilities of said bank shall have relation to, and be governed by said reduced capital stock of one hundred and fifty thousand dollars ; and until said reduction is made said bank shall continue to pay into the treasury of the Commonwealth the tax required by law upon its present capital stock.

SECTION 5. This act shall take effect upon its passage.

Approved March 3, 1863.

Chap. 54.

AN ACT to incorporate the South Boston Savings Bank.

Be it enacted, &c., as follows :

Corporators.

Name.

Powers and du-
ties.

SECTION 1. Zibeon Southard, Henry Souther, D. McB. Thaxter, their associates and successors, are hereby made a corporation by the name of the South Boston Savings Bank, to be established and located in that part of the city of Boston called South Boston ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the fifty-seventh chapter of the General Statutes, and in all other laws of this Commonwealth relating to institutions for savings.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1863.

[1863, 64.]

Chap. 55.

AN ACT to incorporate the Wellfleet Savings Bank.

Be it enacted, &c., as follows :

Corporators.

Name.

Powers and du-
ties.

SECTION 1. James Swett, T. N. Stone, John C. Peak, their associates and successors, are hereby made a corporation by the name of the Wellfleet Savings Bank, to be established and located in the town of Wellfleet ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the fifty-seventh chapter of the General Statutes, and in all other laws of this Commonwealth relating to institutions for savings.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1863.

Chap. 56.

AN ACT to authorize James Small, junior, to build a Wharf in the Town of Dennis.

Be it enacted, &c., as follows :

Wharf in Dennis.

James Small, junior, is hereby authorized to build a wharf in front of his land on the east side of Bass River, in the town of Dennis, extending into Bass River fifty feet

beyond low-water mark, with the right to lay vessels thereat, and collect wharfage and dockage therefor; said wharf to be situated below Bass River Lower Bridge, and about one hundred yards east of the channel used for navigable and other purposes: *provided, however*, that this grant shall in no wise impair the legal rights of any person.

Wharfage and dockage.

Proviso.

Approved March 3, 1863.

AN ACT to authorize David K. Akin to extend his Wharf in Yarmouth. *Chap. 57.*
Be it enacted, &c., as follows:

David K. Akin is hereby authorized to extend his wharf in Bass River, in the town of Yarmouth, a distance not exceeding ten feet, and to lay vessels at the said wharf, and to receive wharfage and dockage therefor: *provided*, that this grant shall not impair the legal rights of any person.

Wharf in Yarmouth.

Approved March 3, 1863.

[1863, 38.]

AN ACT to provide for the Prompt Payment of Volunteers and to Encourage Allotments. *Chap. 58.*

Be it enacted, &c., as follows:

SECTION 1. This Commonwealth shall hold and does hereby declare itself indebted to all Massachusetts volunteers in the military service of the United States for all or any part of their pay and allowances, accrued or allowed for their services rendered from and after the thirty-first day of October last, upon the terms and conditions hereinafter specified: *provided*, the United States shall assent thereto, and shall provide for the prompt transmission to the treasurer of this Commonwealth of the money for the payment of such volunteers, or in the absence thereof, certificates of indebtedness of the United States to the amount thereof, bearing interest at the rate of not less than six per cent. per annum, from the dates when such pay and allowances were due and payable to such volunteers, and shall make all other provisions and shall do all other acts necessary to render valid the claim of this Commonwealth upon the United States for re-imbursement for any sums advanced under the provisions of this act and the interest thereon.

Indebtedness of Commonwealth to volunteers declared.

Proviso.

SECTION 2. Any such Massachusetts volunteer may assign all or any part of his claim for pay and allowances for his services in the army of the United States to the treasurer of this Commonwealth, to be by him received and distributed in the manner contemplated in the first and second sections of the sixty-second chapter of the acts of the year eighteen hundred and sixty-two, "concerning the custody and distribution of funds of the Massachusetts vol-

Volunteer may assign claims upon U. S. to State.

Conditions of
payment of as-
signed claims
defined.

unteers," or held subject to the order of the volunteer, according to the fourth section of said chapter. And, when any volunteer shall have thus assigned his pay to the treasurer of this Commonwealth, and when all necessary arrangements shall have been completed with the United States, as provided for in the first section of this act for the re-imbursement of this Commonwealth by the United States, the treasurer of this Commonwealth is hereby authorized and directed, on the date of receiving a properly certified copy of the pay-rolls made up for the guidance of the disbursing officers of the United States, to credit said volunteer with the amount of the original pay thus appearing on said rolls to be due him, which sum so standing to his credit the treasurer shall then distribute through the town treasurers, or retain on interest, or pay to the order of said volunteer, in the manner provided in said sixty-second chapter of the acts of the year eighteen hundred and sixty-two, according to the election of said volunteer, and in such proportion as he may designate. And this payment shall be made without regard to the fact whether or not the same shall have been received into the treasury of this Commonwealth from the treasury of the United States.

SECTION 3. This act shall take effect upon its passage.

Approved March 3, 1863.

[1863, 79, 122, 176, 218; 1864, 47; 1866, 172, 282; 1867, 136; 1868, 107, 115.]

[1829, 22; 1831, 69; 1834, 98; 1844, 19; 1853, 187.]

Chap. 60.

AN ACT in addition to an Act to incorporate the Massachusetts Horticultural Society.

Be it enacted, &c., as follows:

\$250,000 in real
estate.

SECTION 1. The Massachusetts Horticultural Society is hereby authorized to hold real estate to the amount of two hundred and fifty thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved March 4, 1863.

Chap. 61.

AN ACT to incorporate the Bunker Hill Fire Insurance Company.

Be it enacted, &c., as follows:

Corporators.

Name and pur-
pose.

Powers and du-
ties.

SECTION 1. Columbus Tyler, E. P. Mackintire, Edwin T. Adams, their associates and successors, are hereby made a corporation by the name of the Bunker Hill Fire Insurance Company, in the city of Charlestown, for the purpose of making insurance against losses by fire; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the general statutes, which now are or hereafter may be in force, relating to such corporations.

SECTION 2. The said corporation shall have a capital stock of one hundred thousand dollars, divided into shares of one hundred dollars each, with liberty to pay in and increase the same to two hundred thousand dollars, and shall have a right to hold real estate for its own use, not exceeding five thousand dollars.

Capital stock and shares.

SECTION 3. Said corporation may commence business when seventy-five thousand dollars of its capital stock shall have been subscribed and paid in, in cash.

Commencement of business.

SECTION 4. This act shall take effect upon its passage.

Approved March 5, 1863.

AN ACT to incorporate the Type-Setting Machine Company.

Chap. 62.

Be it enacted, &c., as follows :

SECTION 1. Charles W. Felt, G. Henry Lodge and Richard C. Manning, their associates and successors, are hereby made a corporation, by the name of the Type-Setting Machine Company, for the purpose of manufacturing and selling type-setting machines ; and for this purpose, shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, and all acts passed subsequent thereto, relative to manufacturing corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. The said corporation may hold real estate to the amount of fifty thousand dollars, and the whole capital stock shall not exceed three hundred thousand dollars, in shares of one hundred dollars each : *provided, however,* that said corporation shall not go into operation, until the sum of fifty thousand dollars has been paid in, in cash.

Real estate and capital stock.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved March 5, 1863.

[1864, 226.]

AN ACT to confirm certain Acts done by George Ticknor Curtis, as a Justice of the Peace.

Chap. 63.

Be it enacted, &c., as follows :

SECTION 1. All acts done by George Ticknor Curtis, formerly of Boston in the county of Suffolk, esquire, as a justice of the peace within and for the said county of Suffolk, between the twenty-seventh day of August, of the year one thousand eight hundred and forty-four, and the first day of December, of the year one thousand eight hundred and fifty-two, be and they hereby are made valid and confirmed, to the same extent as they would have been valid, had he been, during that interval, duly qualified to discharge the duties of the said office.

Acts affirmed.

SECTION 2. This act shall take effect upon its passage.

Approved March 5, 1863.

Chap. 65.

AN ACT to preserve a Record of our Soldiers and Officers.

*Be it enacted, &c., as follows :*Clerks of cities
and towns to pre-
pare record of
Mass. troops fur-
nished U. S.

SECTION 1. It shall be the duty of the clerk of every city and town of this Commonwealth, as soon as may be after the passage of this act, to make out a full and complete record of the names of all the soldiers and officers who compose his town's quota of the troops furnished by the Commonwealth to the United States during the present rebellion, stating the place of residence, the time of enlistment of each, and the number and designation of his regiment and company; also the names of all who have resigned or been discharged, and at what time and for what cause; and all who have died in the service, and stating, when practicable, at what time and place and the cause of death, whether by disease, accident, or on the field of battle; and the promotions of officers and from the ranks, and the date thereof; and the names of all absentees, if any; and all such other facts as may relate strictly to the military career of each soldier and officer.

Record books to
be procured and
preserved.

SECTION 2. It shall be the duty of the clerk of every city and town to procure a suitable blank book in which to make said record, and to preserve it among the other records of his town, and to make such additions to the same as may be necessary, from time to time, to make said record perfect and complete. And said clerks shall be entitled to a reasonable compensation for their services and expenses in performing the duties devolved upon them by the provisions of this act, to be paid by their respective cities or towns.

Compensation of
clerks.

SECTION 3. This act shall take effect upon its passage.

Approved March 7, 1863.

[1863, 229.]

Chap. 67.

AN ACT to incorporate the Baltic Marine and Fire Insurance Company.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Dennis Condry, William Perkins, Causten Browne, their associates and successors, are hereby made a corporation by the name of the Baltic Marine and Fire Insurance Company, in the city of Boston, for the purpose of making insurance against maritime losses and losses by fire; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the General Statutes which now are or hereafter may be in force, relating to such corporations.

Name and pur-
pose.Powers and du-
ties.Capital stock and
shares.

SECTION 2. The said corporation shall have a capital stock of two hundred thousand dollars, divided into shares of one hundred dollars each.

SECTION 3. The said corporation may issue policies whenever one hundred and seventy-five thousand dollars of its capital stock shall have been subscribed and paid in, in cash. Policies, when
may be issued.

SECTION 4. This act shall take effect upon its passage.

Approved March 7, 1863.

[1861, 89.]

AN ACT concerning the Winthrop Railroad Company.

Chap. 68.

Be it enacted, &c., as follows :

SECTION 1. The time within which the Winthrop Railroad Company may locate and construct its road, and obtain the acceptance of its act of incorporation by the mayor and aldermen of the city of Boston and the selectmen of the town of Winthrop, is hereby extended two years. Time for location
and construction
extended two
years.

SECTION 2. The said corporation is hereby authorized to extend its road for the purpose of entering upon and using the tracks of the Winnisimmet Railroad Company in the city of Chelsea, in such mode and upon such rates of compensation as may be agreed by said companies. Said Winthrop Railroad Company shall not be allowed to use their motive power upon the tracks of the Winnisimmet Railroad Company, without the consent of said corporation; but said corporation shall, at reasonable times and for a reasonable compensation, draw over the said tracks, the passengers and cars of said Winthrop Railroad Company; and if said corporations cannot agree upon the stated periods at which the cars shall be so drawn, and the compensation to be paid, the supreme judicial court shall, upon the application of either party, appoint three commissioners, who, after due notice to, and hearing the parties, shall determine such rate of compensation, and fix such periods, having reference to the convenience and interests of the corporations, and the public to be accommodated thereby. And the award of the commissioners, or a major part of them, shall be binding upon the respective corporations interested therein, until the same shall have been revised or altered by commissioners so appointed; but no such revision or alteration shall be made within one year after the award. May connect with
Winnisimmet
Company.

Conditions.

Disagreement of
corporations to
be determined by
commissioners
appointed by
S. J. Court.

Award of com-
missioners to be
binding.

SECTION 3. Said corporation shall not extend its road and form said connection with the Winnisimmet Railroad, without having first obtained the consent of the mayor and aldermen of the city of Chelsea. Consent of mayor
and aldermen of
Chelsea.

Approved March 7, 1863.

[1865, 202.]

[1861, 65; 1862, 56.]

Chap. 69. AN ACT concerning the Northampton and Shelburne Falls Railroad Company.*Be it enacted, &c., as follows:*

Location and construction required to commence.

SECTION 1. The Northampton and Shelburne Falls Railroad Company are hereby required to commence the location and construction of their road at the north end of the existing passenger station-house, near Bridge Street, in Northampton; to cross said Bridge Street at grade, as near as practicable to the track of the Connecticut River Railroad, in such a way as not to interfere with the car-house occupied by the said Connecticut River Railroad Company, and to connect their road with the track of said railroad south of Bridge Street.

Conditions.

Connecticut River Company to maintain switches, and allow N. and S. F. Co. to use its tracks and land.

SECTION 2. The Connecticut River Railroad Company are hereby required to make and maintain suitable switches, and to allow the Northampton and Shelburne Falls Railroad Company to pass their trains and engines over the track and land of said Connecticut River Railroad Company on the easterly side of said station-house, in such way and manner as to enable said Northampton and Shelburne Falls Railroad, properly and conveniently to connect with the New Haven and Northampton Railroad wherever the same is or may be located, subject to such reasonable regulations as may be consistent with the safety of public travel and the convenient use of said track by said Connecticut River Railroad Company.

Failure of Conn. River Co. to provide for passage of trains of N. and S. F. and N. H. and N. Co's, to authorize appointment of commissioners by superior court.

SECTION 3. If at any time or times after the opening for use and travel of the first section of the Northampton and Shelburne Falls Railroad, the Connecticut River Railroad Company shall refuse or neglect to make reasonable arrangements for the passage of trains and engines going to or coming from the Northampton and Shelburne Falls Railroad and the New Haven and Northampton Railroad, either party may apply to a judge of the superior court for the appointment of three commissioners, whose duty it shall be to establish, for the next succeeding three years, suitable regulations under which the trains and engines may pass on the easterly side of said station-house, to reach to and return from the track of the New Haven and Northampton Railroad, and the compensation to be paid therefor; and such regulations shall be administered by the Connecticut River Railroad Company.

Repeal.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved March 7, 1863.

[1863, 210; 1866, 96; 1867, 159; 1868, 305.]

AN ACT to incorporate the Massachusetts Powder Works.

Chap. 70.

Be it enacted, &c., as follows:

SECTION 1. Addison G. Fay, Thomas M. Tolman, Samuel Potter, their associates and successors, are hereby made a corporation, by the name of the Massachusetts Powder Works, for the purpose of manufacturing powder in the town of Barre, in the county of Worcester; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, and all acts passed subsequent thereto, relating to manufacturing corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed one hundred thousand dollars: *provided, however*, that said corporation shall not go into operation until the sum of seventy thousand dollars of its capital stock has been paid in, in cash.

Real estate and capital stock.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved March 7, 1863.

[1864, 124; 1868, 76.]

[1854, 338; 1856, 189; 1861, 118.]

AN ACT in addition to an Act for supplying the City of Worcester with Water. *Chap. 72.*

Be it enacted, &c., as follows:

SECTION 1. The city of Worcester is hereby authorized to take, hold and convey the waters collected and flowing from the easterly slope of Millstone Hill, so called, in said city, in and upon the land of Henry Putnam, in the best and most convenient manner and direction, over, through and across any streets, highways and lands in said city, into Bell Pond, so called, and thence into the city reservoir and aqueduct, and to lay any pipes, and build and maintain any works necessary therefor.

City may hold and convey waters, lay pipes, and maintain necessary works.

SECTION 2. All damage sustained by taking land or otherwise, may be ascertained, determined and recovered in the manner provided by law in case of land taken for highways; but no proceedings shall be commenced after the lapse of one year after the damage occurred.

Damage sustained to be claimed within one year.

SECTION 3. This act shall take effect upon its passage.

Approved March 11, 1863.

[1864, 104; 1866, 199; 1867, 269.]

[Special Laws, vol. 1, pp. 313, 354, 422; vol. 2, pp. 192, 381, 469; vol. 3, Appendix, p. 20. 1815, 111, 119; 1818, 106; 1819, 133, 137; 1822, 38; 1829, 55; 1832, 44, 120; 1833, 137; 1843, 73; 1844, 62; 1855, 401.]

Chap. 73.

AN ACT concerning the Fisheries in Taunton Great River.

Be it enacted, &c., as follows:

Provisions of
1855, 401, ex-
tended.

SECTION 1. The provisions of chapter four hundred and one of the acts of the year eighteen hundred and fifty-five, relating to the catching of shad and alewives in Taunton Great River and the Newmasket River, are hereby extended to all waters connected with the Newmasket River, within the towns of Middleborough and Lakeville.

Fish wardens,
duties defined.

SECTION 2. It shall be the duty of the fish wardens chosen by the town of Middleborough, under the provisions of chapter four hundred and one, section nine, of the acts of the year eighteen hundred and fifty-five, either personally or by the assistants by them appointed and employed, to use all needful care, watch and inspection, to prevent any violation of any of the provisions of said act, from a point one mile and a half below the dam at Squawbetty Village up to the waters of Assawampscott Pond; the expense of which care, watch and inspection, shall be paid by said town of Middleborough; and the other towns on said Taunton Great River shall annually pay to said town of Middleborough, for re-imbursement for their share in the benefits to be derived by them for said care, watch and inspection, the sums following: The city of Fall River and the town of Freetown, ten dollars each; the towns of Somerset, Dighton, Berkley and Raynham twenty dollars each, and the town of Taunton thirty dollars. And the said town of Middleborough may recover the same in an action of contract in any court of competent jurisdiction.

Expense, how
paid.

Middleborough
may recover.

Penalty for dis-
turbing fish.

SECTION 3. Any person who shall beat upon the ground, or do any act whatsoever whereby said fish in said rivers shall be disturbed, driven, destroyed or delayed, from the first day of March to the tenth day of June in each year, contrary to the meaning and intent of the provisions of chapter four hundred and one of the acts of the year one thousand eight hundred and fifty-five, shall be subject to all the pains and penalties named in the eleventh section of said act.

SECTION 4. This act shall take effect upon its passage.

Approved March 12, 1863.

[1866, 54.]

Chap. 74.

AN ACT to authorize Prince S. Crowell to build a Wharf in Falmouth.

Be it enacted, &c., as follows:

Wharf in Fal-
mouth.

Prince S. Crowell is hereby authorized to build a wharf in front of his land, at the head of Great Harbor, at Wood's

Hole, in the town of Falmouth, extending the same not more than two hundred feet from high-water mark, and shall be allowed to lay vessels thereat, and to collect wharfage and dockage therefor: *provided*, that this grant shall not affect the legal rights of any person.

Wharfage and dockage.

Proviso.

Approved March 12, 1863.

[1859, 187; 1860, 106; 1862, 200.]

AN ACT relating to the "Union Steamship Company."

Chap. 76.

Be it enacted, &c., as follows:

SECTION 1. Permission is hereby given to the Union Steamship Company to use any steamship or steamships, now or hereafter owned, chartered or hired by them, or to let, to freight or to charter the same to the United States or to any state, corporation or person, for any trade or purpose authorized, and between any ports or places open by the treaties and laws of the United States: *provided*, said ship or ships shall not ply between the port of Boston and the ports of Philadelphia, Baltimore, Charleston and Savannah, or either of them, except when in the service of the United States.

May use or charter to U. S., vessels owned or chartered by company.

SECTION 2. Said company may hold personal property not exceeding in value one million of dollars.

Personal property.

SECTION 3. The one hundred and eighty-seventh chapter of the acts of the year eighteen hundred and fifty-nine, shall remain in force, notwithstanding any failure on the part of said company to comply with the latter portion of the fifth section of said act relating to the route and employment of the ships of said company.

Act of 1859 to remain in force.

SECTION 4. Any portions of the acts creating or specially relating to said company, which may be inconsistent with this act, are hereby repealed.

Repeal.

SECTION 5. This act shall take effect upon its passage.

Approved March 12, 1863.

[1865, 145.]

AN ACT to incorporate the New England Hospital for Women and Children. *Chap. 77.*

Be it enacted, &c., as follows:

SECTION 1. Lucy Goddard, Marie E. Zakrzewska, Ednah D. Cheney, their associates and successors are hereby made a corporation by the name of the New England Hospital for Women and Children, for the purpose of establishing and maintaining in the city of Boston, or its vicinity, a hospital for the treatment of the diseases of women and children, and of giving therein clinical instruction to female students

Corporators.

Name and purpose.

Powers and duties. of medicine, and of training nurses ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes.

Real and personal estate. SECTION 2. The said corporation may take and hold real estate not exceeding in value fifty thousand dollars, and personal property not exceeding in value fifty thousand dollars, all of which shall be devoted to the purposes aforesaid.

Approved March 12, 1863.

[1863, 38.]

Chap. 79. AN ACT in further addition to an Act in aid of the Families of Volunteers.
Be it enacted, &c., as follows :

Selectmen or city council may raise money and aid families of deceased soldiers.

SECTION 1. Any town or city may raise money by tax or otherwise, and if necessary apply the same, under the direction of its selectmen, or city council, for the aid of the widow, children, parent, brothers or sisters, of any inhabitant of said town or city, and upon whom they were dependent, who may have died while in the service of the United States: *provided*, said inhabitant were a volunteer duly enlisted and mustered into the service of the United States, and his wife, children, parent, brothers or sisters, were entitled, prior to the decease of said volunteer, to receive aid under the provisions of chapter sixty-six of the laws of the year one thousand eight hundred and sixty-two.

Proviso.

May raise and apply money for families of soldiers discharged as disabled.

SECTION 2. Any town or city may raise money and apply the same, in manner as provided in the first section of this act, for the aid of the wife, children, parent, brothers or sisters, of any inhabitant of said town or city, and upon whom they were dependent, who may have been disabled while in the service of the United States, and discharged from said service by reason of any disability contracted in or caused by said service, thereby rendering said inhabitant unable to provide for those dependent upon him: *provided*, that said inhabitant were a volunteer duly enlisted and mustered into the service of the United States, and his wife, children, parent, brothers or sisters were entitled, prior to his said discharge, to receive aid under the provisions of chapter sixty-six of the laws of the year one thousand eight hundred and sixty-two; and *provided, also*, that the provisions of this section shall apply to the widow, children, parent, brothers or sisters, of any such volunteer deceased after his discharge, by reason of disability or disease contracted while in the service.

Provisos.

1862, 66, to apply under this Act.

SECTION 3. All the provisions of the fourth and fifth sections of chapter sixty-six of the laws of the year one

thousand eight hundred and sixty-two, concerning the re-imbursement of money from the state treasury, and annual reports to the auditor, shall be applicable to the money applied under the provisions of this act.

SECTION 4. No sums shall be so applied to the widow, wife, children, parent, brothers or sisters, of any such deceased or disabled volunteer, for a period of more than one year, or after the payment to them, or either of them, of any sums under the provisions of the pension act of congress, passed July fourteenth, in the year one thousand eight hundred and sixty-two; and if any town or city has furnished aid to the widow, wife, children, parent, brothers or sisters of any such deceased or disabled volunteer, prior to the passage of this act, the time during which said aid has been furnished, shall be included in computing the period of one year; and said town or city shall have the same right of re-imbursement as in cases of aid furnished after the passage of this act. And the word "children," in this act, and in all acts to which this is in addition, shall be construed to include step-children.

Limitations of time, and conditions defined.

SECTION 5. This act shall take effect upon its passage.

Approved March 12, 1863.

[1863, 122, 176, 218; 1864, 47; 1866, 172, 282; 1867, 136; 1868, 107, 115.]

[1855, 450; 1856, 126; 1857, 199; 1859, 100.]

AN ACT to increase the number of Directors of the Bank of Mutual Redemption. *Chap. 80.*

Be it enacted, &c., as follows :

SECTION 1. The number of directors of the Bank of Mutual Redemption shall consist of not less than nine, nor more than fifteen persons: *provided*, that at least two-thirds of the directors shall be inhabitants of this state, and all of them inhabitants of the New England states.

Number of directors.

Proviso.

SECTION 2. Such parts of section third, chapter four hundred and fifty, of the acts of the year eighteen hundred and fifty-five, and section third, chapter one hundred and twenty-six, of the acts of the year eighteen hundred and fifty-six, as are inconsistent herewith, are hereby repealed.

Repeal.

Approved March 12, 1863.

[1864, 180.]

AN ACT to incorporate the East Falmouth Herring River Company in Falmouth. *Chap. 81.*

Be it enacted, &c., as follows :

SECTION 1. Henry F. Hatch, Benjamin H. Hatch, Robert H. Hatch, and Isaac H. Hatch, their associates and successors, are hereby made a corporation by the name of the East Falmouth Herring River Company in Falmouth, and are

Corporators.

Name.

Powers and duties.

of medicine, and of training nurses; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes.

Real and personal estate.

SECTION 2. The said corporation may take and hold real estate not exceeding in value fifty thousand dollars, and personal property not exceeding in value fifty thousand dollars, all of which shall be devoted to the purposes aforesaid.

Approved March 12, 1863.

[1863, 38.]

Chap. 79. AN ACT in further addition to an Act in aid of the Families of Volunteers.
Be it enacted, &c., as follows:

Selectmen or city council may raise money and aid families of deceased soldiers.

SECTION 1. Any town or city may raise money by tax or otherwise, and if necessary apply the same, under the direction of its selectmen, or city council, for the aid of the widow, children, parent, brothers or sisters, of any inhabitant of said town or city, and upon whom they were dependent, who may have died while in the service of the United States: *provided*, said inhabitant were a volunteer duly enlisted and mustered into the service of the United States, and his wife, children, parent, brothers or sisters, were entitled, prior to the decease of said volunteer, to receive aid under the provisions of chapter sixty-six of the laws of the year one thousand eight hundred and sixty-two.

Proviso.

May raise and apply money for families of soldiers discharged as disabled.

SECTION 2. Any town or city may raise money and apply the same, in manner as provided in the first section of this act, for the aid of the wife, children, parent, brothers or sisters, of any inhabitant of said town or city, and upon whom they were dependent, who may have been disabled while in the service of the United States, and discharged from said service by reason of any disability contracted in or caused by said service, thereby rendering said inhabitant unable to provide for those dependent upon him: *provided*, that said inhabitant were a volunteer duly enlisted and mustered into the service of the United States, and his wife, children, parent, brothers or sisters were entitled, prior to his said discharge, to receive aid under the provisions of chapter sixty-six of the laws of the year one thousand eight hundred and sixty-two; and *provided, also*, that the provisions of this section shall apply to the widow, children, parent, brothers or sisters, of any such volunteer deceased after his discharge, by reason of disability or disease contracted while in the service.

Provisos.

1862, 68, to apply under this Act.

SECTION 3. All the provisions of the fourth and fifth sections of chapter sixty-six of the laws of the year one

thousand eight hundred and sixty-two, concerning the re-imbursement of money from the state treasury, and annual reports to the auditor, shall be applicable to the money applied under the provisions of this act.

SECTION 4. No sums shall be so applied to the widow, wife, children, parent, brothers or sisters, of any such deceased or disabled volunteer, for a period of more than one year, or after the payment to them, or either of them, of any sums under the provisions of the pension act of congress, passed July fourteenth, in the year one thousand eight hundred and sixty-two; and if any town or city has furnished aid to the widow, wife, children, parent, brothers or sisters of any such deceased or disabled volunteer, prior to the passage of this act, the time during which said aid has been furnished, shall be included in computing the period of one year; and said town or city shall have the same right of re-imbursement as in cases of aid furnished after the passage of this act. And the word "children," in this act, and in all acts to which this is in addition, shall be construed to include step-children.

Limitations of time, and conditions defined.

SECTION. 5. This act shall take effect upon its passage.

Approved March 12, 1863.

[1863, 122, 176, 218; 1864, 47; 1866, 172, 282; 1867, 136; 1868, 107, 115.]

[1855, 450; 1856, 126; 1857, 199; 1859, 100.]

AN ACT to increase the number of Directors of the Bank of Mutual Redemption. *Chap. 80.*

Be it enacted, &c., as follows :

SECTION 1. The number of directors of the Bank of Mutual Redemption shall consist of not less than nine, nor more than fifteen persons: *provided*, that at least two-thirds of the directors shall be inhabitants of this state, and all of them inhabitants of the New England states.

Number of directors.

Proviso.

SECTION 2. Such parts of section third, chapter four hundred and fifty, of the acts of the year eighteen hundred and fifty-five, and section third, chapter one hundred and twenty-six, of the acts of the year eighteen hundred and fifty-six, as are inconsistent herewith, are hereby repealed.

Repeal.

Approved March 12, 1863.

[1864, 180.]

AN ACT to incorporate the East Falmouth Herring River Company in Falmouth. *Chap. 81.*

Be it enacted, &c., as follows :

SECTION 1. Henry F. Hatch, Benjamin H. Hatch, Robert H. Hatch, and Isaac H. Hatch, their associates and successors, are hereby made a corporation by the name of the East Falmouth Herring River Company in Falmouth, and are

Corporators.

Name.

Authority.	empowered to open a brook or ditch through their own land from Ashumet Pond to Bourne's Pond, so called, and from thence to the Vineyard Sound, with full powers to regulate
Powers and duties.	the same so far as is necessary for an alewife fishery ; and for this purpose said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in the sixty-eighth chapter of the General Statutes.
Penalty.	SECTION 2. Whoever without the permission of said corporation, shall take any alewives from said brook or river, shall forfeit and pay a fine of five dollars, to be recovered before any court proper to try the same.
Adjoining land-owners may be members of corporation.	SECTION 3. All persons who may be owners of land through which said brook passes, or which adjoins the same, may become members of said corporation ; subject, however, to pay their proportional part of the expenses which shall have been incurred by said corporation before the time of their admission.
Liability of corporation for damages.	SECTION 4. If any damage shall be done by said corporation to the property of any person not a member thereof, such individual shall have an action of tort for the injuries. And the members of said corporation shall be jointly and severally individually liable for such damage in an action of tort, in any court having jurisdiction of the case ; and any member of said corporation of whom such damage has been collected, may have an action of contract against his co-members for contributions.
Members, how liable.	SECTION 5. If said brook crosses the highway where no bridge now exists, said corporation shall build a bridge over the same to the acceptance of the selectmen of the town of Falmouth, and be held to keep the same in repair.
Brook crossing unbridged highway, bridge to be built.	SECTION 6. Nothing herein contained shall authorize said corporation to take or use the property of any person without his written consent.
Written consent for use of property to be obtained.	SECTION 7. This act shall take effect upon its passage.

Approved March 12, 1863.

[1860, 32, 34.]

Chap. 82. AN ACT in addition to "An Act to incorporate the Rockport Railroad Company."

Be it enacted, &c., as follows :

Rockport, by its officers, may choose majority of directors.

SECTION 1. The selectmen and treasurer of the town of Rockport, shall have authority to represent said town at any meeting of the Rockport Railroad Company held for the choice of directors of said company, and said town so represented, is hereby authorized to choose a majority of

said directors, so long as three-fourths of the capital stock, issued by said company, shall be owned by said town.

SECTION 2. So much of the fifth section of the sixty-third chapter of the General Statutes, as is inconsistent with the provisions of the preceding section, shall not apply to said Rockport Railroad Company. *Approved March 12, 1863.*

[1863, 58.]

[1861, 150.]

AN ACT to incorporate the Cape Cod Mutual Fire Insurance Company. *Chap. 83.*
Be it enacted, &c., as follows :

SECTION 1. Zebina H. Small, Obed Brooks, Chester Snow, their associates and successors, are hereby made a corporation by the name of the Cape Cod Mutual Fire Insurance Company, to be established in the town of Harwich, for the purpose of effecting mutual insurance, exclusively within the county of Barnstable, upon dwelling-houses, other buildings and personal property, against loss or damage by fire ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, contained in the general laws which now or hereafter may be in force relating to such corporations.

Gen. Stats., sect. 5, ch. 68, not to apply.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Chapter one hundred and fifty of the acts of the year eighteen hundred and sixty-one, incorporating the Cape Cod Mutual Fire Insurance Company, is hereby repealed. *Approved March 12, 1863.*

Repeal.

[1847, 276; 1848, 106; 1849, 55; 1851, 63; 1853, 336; 1856, 114; 1857, 93; 1859, 97.]

AN ACT concerning the Boston, Barre and Gardner Railroad Corporation. *Chap. 84.*
Be it enacted, &c., as follows :

SECTION 1. The time allowed to the Boston, Barre and Gardner Railroad Corporation for constructing their railroad is hereby extended to the first day of July, in the year one thousand eight hundred and sixty-five.

Time for construction extended.

SECTION 2. The time within which application may be made to the county commissioners to estimate damages for land or property taken by said railroad corporation, as provided in the General Statutes, is hereby extended four years from and after the passage of this act, notwithstanding said corporation may have heretofore filed the location of their railroad.

Estimation of damages.

Approved March 12, 1863.

[1865, 18; 1868, 30.]

AN ACT to authorize the Sergeant-at-Arms to appoint an Assistant. *Chap. 87.*
Be it enacted &c., as follows :

SECTION 1. In case of the disability or necessary absence of the sergeant-at-arms, he may appoint, subject to the approval of the presiding officers of the two branches of the

May appoint, subject to approval of presiding officers of legisla-

ture or of governor.

legislature, or during the recess of the legislature, of the governor, a suitable person to perform the duties of the office of sergeant-at-arms, during such disability or absence, to be called the assistant sergeant-at-arms; and the compensation of such assistant shall be paid by the sergeant-at-arms.

Responsibility of sergeant-at-arms, and tenure of office of assistant.

SECTION 2. The sergeant-at-arms shall be responsible for the fidelity and good conduct of the assistant sergeant-at-arms, in his said capacity as such assistant; and such assistant may be removed from his said office for misconduct or other sufficient cause, by the legislature, or during the recess of the legislature, by the governor and council.

SECTION 3. This act shall take effect upon its passage.

Approved March 14, 1863.

Chap. 88. [Special Laws, vol. 2, p. 528; vol. 3, pp. 40, 141, 488; 1817, 156; 1830, 1; 1843, 27; 1848, 150; 1850, 302; 1857, 223; 1860, 47; 1861, 192.]

AN ACT in addition to an Act concerning the Neponset Bridge and Braintree and Weymouth Turnpike.

Be it enacted, &c., as follows:

Fund accrued under ch. 228 of 1857, how applied.

SECTION 1. The fund accrued under the provisions of chapter two hundred and twenty-three of the acts of the year eighteen hundred and fifty-seven, amounting on the first day of January, eighteen hundred and sixty-three, to the sum of seven thousand two hundred and twenty-four dollars and seventy-two cents, together with its future accumulations from tolls, contributions or other sources, shall be applied as provided in the following section.

County commissioners of Bristol, on petition of trustees, to apportion fund to towns in which bridges lie.

SECTION 2. Whenever said fund shall amount to the sum of fifteen thousand dollars, the collection of tolls on the bridges mentioned in said act shall be discontinued, and the county commissioners for the county of Bristol, on the petitions of the trustees of said fund, or of any other person or party interested, and after notifying and hearing all parties interested, and viewing the premises in the manner provided in sections three and four of the forty-third chapter of the General Statutes, shall proceed to apportion said fund between the towns wherein said bridges lie, as they shall determine to be just, having regard to all the equities involved.

Towns to be paid portions, respectively, and thereafter have care of bridges.

SECTION 3. The trustees shall thereupon pay over the money so apportioned to the towns respectively entitled thereto, and said towns shall thenceforth have the care, maintenance and repair of the bridges within their limits, and be subject to the same duties and liabilities in relation thereto, as exist in regard to other highways; and the selectmen of said towns shall have and exercise within their respective limits, like powers in relation thereto, as have

been heretofore reposed in the corporations and trustees: *provided*, that said bridges and turnpikes shall be forever free from tolls. Proviso.

SECTION 4. Nothing in this act shall affect the rights, duties and liabilities of the Quincy Railroad Corporation having a track located upon the Neponset Bridge. Quincy Railroad Co., rights to remain.

SECTION 5. Nothing in this act contained shall prevent the collection of any sums due for tolls when said bridges become public highways; but arrearages shall be collected by the trustees, and paid over to the same towns and in the same proportions as the principal fund shall have been paid. Arrearages may be collected, and shall be paid over same as fund.

SECTION 6. This act shall take effect upon its passage.

Approved March 14, 1863.

AN ACT for the protection of Pickerel in Clapp's Pond.

Chap. 89.

Be it enacted, &c., as follows:

SECTION 1. Richard C. Hartford, his heirs and assigns, are hereby entitled to the exclusive right to take pickerel from Clapp's Pond, so called, in the town of Provincetown, for the term of ten years from the passage of this act: *provided*, the consent of the owners of said pond be first obtained. Monopoly granted for ten years. Proviso.

SECTION 2. Any person taking pickerel from said pond contrary to the provisions of this act, shall, on conviction in any court having jurisdiction of the offence, be fined not exceeding one dollar to the use of the Commonwealth. Penalty.

Approved March 14, 1863.

[Essex, 1846, 79; 1847, 239; 1848, 263; 1849, 7, 199; 1851, 125, 128, 341; 1852, 132, 305. Eastern, 1836, 232; 1837, 152, 190; 1838, 193; 1839, 74, 122; 1841, 90; 1844, 133; 1845, 246; 1846, 245; 1847, 70, 182, 203; 1848, 186, 292; 1849, 201; 1851, 128, 242, 264; 1852, 164, 167, 305, 306; 1853, 387, 415; 1854, 46, 54, 310, 395; 1855, 149, 227, 275; 1856, 305; 1857, 220; 1858, 18; 1861, 176.]

AN ACT concerning the Essex Railroad Company and the Eastern Railroad Company.

Chap. 90.

Be it enacted, &c., as follows:

SECTION 1. The Essex Railroad Company is hereby authorized to sell, transfer and convey its franchise, privileges and all its property both real and personal, to the Eastern Railroad Company, and the Eastern Railroad Company is hereby authorized to receive such sale, transfer and conveyance, upon the terms and conditions recited in a contract dated the fifth day of July, in the year eighteen hundred and fifty-two, and assented to by said Essex Railroad Company at a stockholders' meeting held on the eighteenth day of July, in the year eighteen hundred and fifty-three; or upon such other terms and conditions as may be mutually agreed by said corporations: *provided, however*, that such sale, transfer and conveyance, and all the terms and Transfer of Essex franchise to Eastern Railroad authorized. Proviso.

conditions thereof, shall be ratified by the stockholders of each of said corporations, at meetings legally called for that purpose, on or before the first day of August next.

Eastern to be
possessed of all
powers of Essex.

Eastern may in-
crease capital
stock \$350,000.

Rights of credi-
tor of Essex not
impaired.

SECTION 2. When such sale, transfer and conveyance are made and completed as aforesaid, said Eastern Railroad Company shall have all the rights and privileges, and shall be subject to all the duties, restrictions, debts and liabilities, to which the said Essex Railroad Company is or may be subject; and the said Eastern Railroad Company shall thereupon be empowered to increase its capital stock, by an amount not exceeding three hundred and fifty thousand dollars beyond the amount now authorized by law.

SECTION 3. Nothing in this act contained shall impair the rights or remedies of any creditor of the said Essex Railroad Company.

Approved March 14, 1863.

[1864, 40; 1865, 141; 1866, 58, 107, 278; 1867, 112, 170, 216, 287, 335, 337, 342; 1868, 58, 89, 118, 261, 348.]

[1863, 88.]

Chap. 91.

AN ACT to promote Enlistments and regulate Recruiting.

Be it enacted, &c., as follows :

Bounties by
towns prohibited.

Proviso.

Penalty for re-
cruiting without
authority.

Governor may
pay bounties for
three years' vol-
unteers raised
under authority
of U. S.

SECTION 1. No town or city shall hereafter raise or expend money for the purpose of offering or paying bounties to volunteers: *provided, however*, that the provisions of this section shall not apply to the action of any town or city prior to the passage of this act; and *provided, also*, that any city or town may offer and pay bounties not exceeding one hundred dollars for each volunteer to be enlisted and mustered into the volunteer military service of the United States for three years, towards supplying any existing deficiency in its quota of troops called for by the president and ordered to be drafted during the year eighteen hundred and sixty-two. It shall not be lawful for any person, within the territory or jurisdiction of this Commonwealth, to recruit for or enlist in military service, except under the authority of the governor thereof, or of the president of the United States; and every person so offending shall be deemed guilty of a misdemeanor, and fined not exceeding one thousand dollars, to be prosecuted and recovered before any competent court of the Commonwealth.

SECTION 2. The governor is authorized to offer and pay bounties not exceeding the rate of fifty dollars each, to volunteers for the military service of the United States, who may hereafter enlist and be duly mustered into the said service during the present war, as members of any regiment or company heretofore or hereafter raised for three years' service, under the authority of the president of the United

States, and organized as a part of the contingent of Massachusetts, to be taken into account and allowed for, in assigning to this Commonwealth, or to any congressional or military district thereof, their respective quotas under any call or draft which may hereafter be made or ordered by the president of the United States. And the governor is further authorized to use and expend, in and about the procurement of such volunteers to recruit the corps of Massachusetts three years' volunteers now in the service, and those hereafter raised, whether in the employment of recruiting agents, in subsistence, transportation, and such other reasonable expenditure as he shall judge necessary and expedient, a sum not exceeding twenty-five dollars for each volunteer, who may hereafter be mustered into a pre-existing regiment or company, and sums not exceeding in their aggregates twenty-five thousand dollars, for each new regiment of infantry hereafter organized and mustered in, and not exceeding thirty-seven hundred and fifty dollars for each company of artillery, and not exceeding twenty-five hundred dollars for each company of cavalry, hereafter organized and mustered in as aforesaid.

May expend for procurement of volunteers for new and pre-existing regiments.

SECTION 3. The governor is authorized to offer and pay bounties, not exceeding the rate of twenty-five dollars each, to such of the Massachusetts volunteers, now in the service of the United States, as may re-enlist to serve for any term less than three years, but not less than one, after the expiration of their present service.

May pay bounties for re-enlistment.

SECTION 4. For the purpose of meeting the expenses to be incurred under this act, a fund is hereby created to be called the Bounty Fund; and the treasurer of the Commonwealth under the direction of the governor and council, is hereby authorized from time to time to issue scrip or certificates of debt bearing interest at a rate not exceeding six per cent. per annum, payable semi-annually on the first days of January and July in each year, and redeemable in not less than ten nor more than thirty years, in the name and on behalf of the Commonwealth, and under his signature and the seal of the Commonwealth, to an amount not exceeding fifteen hundred thousand dollars; and the proceeds of such scrip so issued shall be passed to the credit of said bounty fund, and the same is hereby appropriated for the purpose of paying all liabilities to be incurred under the provisions of this act.

Bounty Fund established and issue of scrip authorized.

SECTION 5. There shall be raised by taxation in each year, commencing with the year eighteen hundred and sixty-four, a sum equal to one-tenth part of the whole amount found by the report of the treasurer to have been drawn from said bounty fund; and the sum so raised from year to

One-tenth part expended to be raised by taxation and funded

to the disposition of the town for public purposes, in like manner as any other property which it may possess.

May raise money
by loan or tax.

SECTION 2. The said town of Chatham is hereby authorized to raise, by issuing its bonds, or by loan or tax, any sums of money which shall be required to pay its instalments or its subscriptions to said stock and interest thereon.

Committee to
subscribe for
shares voted at
meeting in Feb-
ruary, and vote
for first directors.

SECTION 3. The committee appointed by a vote of said town of Chatham, to petition this legislature for the authority granted in the first and second sections of this act, are hereby authorized to subscribe in behalf of said town for the number of shares in the capital stock of said Cape Cod Central Railroad, as was voted by said town, at a meeting held on the third day of February, eighteen hundred and sixty-three; and said committee are hereby further authorized to cast the vote of said town in the choice of directors for said road, at the first meeting of the stockholders called for that purpose; and thereafter the vote of said town in the choice of directors shall be cast by the person or persons said town may appoint.

Thereafter vote
to be cast by per-
sons designated.

SECTION 4. This act shall take effect upon its passage.

Approved March 18, 1863.

[1861, 63; 1862, 32.]

Chap. 97. AN ACT in addition to an Act to incorporate the Salem and South Danvers Railroad Company.

Be it enacted, &c., as follows:

May extend over
Essex Bridge, in-
to Beverly, and
construct, with
assent of muni-
cipalities, over
streets and high-
ways in Salem
and Beverly.

SECTION 1. The Salem and South Danvers Railroad Company are hereby authorized to extend their railroad over the Essex Bridge, to and in the town of Beverly, with power to construct, maintain and use a railroad, with convenient single or double tracks, from such point or points in the city of Salem as shall be fixed by the mayor and aldermen of said city, with the assent in writing of said corporation, filed with said mayor and aldermen, and upon and over such streets and highways of said city as shall be from time to time fixed and determined by said mayor and aldermen, with the assent in writing of said corporation filed as aforesaid, to the Essex Bridge, and then upon and over the Essex Bridge to the town of Beverly, and then upon and over such of the streets and highways in the town of Beverly as shall be from time to time fixed and determined by the selectmen of said town, with the assent in writing of said corporation, filed with said selectmen, and also upon and over such other land in said city or town as said corporation may elect to build their road or roads upon or over. Said railroad track or tracks shall be laid at such distance from

Tracks, condi-
tions for laying.

the sidewalks in said town or city as the selectmen of said town, and mayor and aldermen of said city shall, respectively, within the limits of their several jurisdictions, in their order fixing the routes of said railroad, determine to be for the public safety and convenience.

SECTION 2. Before proceeding to locate the track or tracks of said railroad in any street or highway, as aforesaid, in said town of Beverly or said city of Salem, the selectmen of said town or mayor and aldermen of said city, respectively, shall give notice to the abutters thereon, by publication in such newspapers as said selectmen or mayor and aldermen shall determine, at least fourteen days before such meeting, of the time and place at which they will fix and determine the location and manner of construction of such track or tracks; and such abutters may then and there appear, and show cause, if any there be, why said track or tracks should not be so located and constructed.

Municipality to give notice to abutters, by publication, before locating track.

SECTION 3. Said railroad shall be constructed and maintained in such form and manner, and upon such grade, as the selectmen of said town and mayor and aldermen of said city, respectively, shall, by their votes, fixing and determining the routes thereof, as aforesaid, prescribe and direct; and whenever, in the judgment of said corporation, it shall be necessary to alter the grade of any street so occupied by it, the sole expense of said alteration shall be paid by said corporation; and such alteration shall not be made unless the assent of the selectmen of the town or mayor and aldermen of the city within which it is proposed to be made, shall first be obtained.

City and town authorities to determine construction and grade.

SECTION 4. The railroad thus authorized to be built and maintained, shall be built and maintained subject to all the restrictions and liabilities contained in the act to which this is in addition. And the gauge of said railroad shall be four feet eight and one-half inches.

Provisions of act incorporating to apply.

Gauge.

SECTION 5. The county commissioners for the county of Essex, upon a proper application, shall fix and determine the manner of construction of such railroad over the Essex Bridge, and also what compensation shall be paid to the Commonwealth for the use of Essex Bridge.

Essex Bridge, construction over and compensation for, how determined.

SECTION 6. The said corporation are hereby authorized to increase their capital stock by an amount not exceeding seventy-five thousand dollars, to be divided into seven hundred and fifty shares of one hundred dollars each.

\$75,000 additional capital stock. Shares.

SECTION 7. The mayor and aldermen of the city of Salem are hereby authorized to hear and determine anew the mode of construction of the road to be built by this corporation

Mayor and aldermen of Salem, to determine anew mode of construction in city.

through and upon the streets of said city, in the same manner as though no proceedings had been had, and all proceedings in regard to the same shall be according to the second section of the act to which this is in addition.

SECTION 8. This act shall take effect upon its passage.

Approved March 18, 1863.

[1864, 284; 1865, 118, 201; 1867, 6.]

Chap. 98.

AN ACT to incorporate the Hancock Mills.

Be it enacted, &c., as follows :

Corporators.

Name and purpose.

Location.

Powers and duties.

Capital stock.

SECTION 1. Erastus B. Bigelow, James L. Little, Benjamin E. Bates, their associates and successors, are hereby made a corporation by the name of the Hancock Mills, for the purpose of manufacturing worsted goods, and any fabric, yarn or thread composed wholly or in part of either cotton, wool, flax, silk, hemp or jute, and the machinery requisite therefor, in the town of Holyoke, in the county of Hampden; and for this purpose shall have all the powers and privileges, and be subject to all duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, and the two hundred and eighteenth chapter of the acts of the year one thousand eight hundred and sixty-two, and all general acts passed after the enactment of the General Statutes relating to manufacturing corporations.

SECTION 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of five hundred thousand dollars; and the whole capital stock of said corporation shall not exceed one million five hundred thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved March 18, 1863.

[1853, 383; 1854, 205; 1855, 24, 338, 368; 1857, 278.]

Chap. 101

AN ACT concerning investments of the Sinking Fund of the Cambridge Railroad Company.

Be it enacted, &c., as follows :

Trustees may invest in U. S. stocks and certain other securities.

SECTION 1. The trustees appointed under the provisions of an act in addition to an act to incorporate the Cambridge Railroad Company, approved on the twenty-first day of February, in the year eighteen hundred and fifty-five, are hereby authorized to make investments of the sinking fund, in the public bonds and stock of the United States, and in any securities in which savings banks of the Commonwealth are authorized to invest.

SECTION 2. This act shall take effect upon its passage.

Approved March 18, 1863.

[1864, 243.]

AN ACT to incorporate the Boston House Company.

Chap. 103

Be it enacted, &c., as follows :

SECTION 1. David Bryant, Thomas E. Nichols, Samuel S. Perkins, their associates and successors, are hereby made a corporation by the name of the Boston House Company, for the purpose of holding, improving, and maintaining a public house in the city of Boston, and for this purpose shall have all the powers and privileges, and be subject to the duties, liabilities and restrictions, set forth in the General Statutes applicable to such corporations: *provided*, that said corporation shall not engage in the business of hotel or boarding-house keeping.

Corporators.

Name and purpose.

Powers and duties.

Proviso.

SECTION 2. The capital stock of said company shall not exceed two hundred thousand dollars, to be issued in shares of the par value of one hundred dollars each.

Capital stock and shares.

SECTION 3. This act shall not go into effect until the sum of one hundred thousand dollars of the capital stock shall have been subscribed by responsible parties, and the sum of seventy-five thousand dollars paid into the treasury of said company.

Conditions of validity of act.

Approved March 23, 1863.

[1861, 100; 1863, 95, 96.]

AN ACT to authorize the Town of Harwich to take Stock in the Cape Cod Central Railroad Company. Chap. 104

Be it enacted, &c., as follows :

SECTION 1. The town of Harwich is hereby authorized to subscribe for and hold shares in the capital stock of the Cape Cod Central Railroad Company, to the amount of forty thousand dollars, and to pay for the same out of the treasury of the town, and to hold the same as town property, subject to the disposition of the town, for public purposes, in like manner as any other property which it may possess.

May take stock to amount of forty thousand dollars.

SECTION 2. The said town of Harwich is hereby authorized to raise by issuing its bonds, or by loan, or tax, any sums of money which may be required to pay its instalments, or its subscription to said stock and interest thereon.

May raise money by loan or tax.

SECTION 3. The committee appointed by a vote of said town of Harwich, to petition this legislature, for the authority granted in the first and second sections of this act, are hereby authorized to subscribe, in behalf of said town, for the number of shares in the capital stock of said Cape Cod Central Railroad, as was voted by said town, at a meeting held on the thirteenth day of February, eighteen hundred and sixty-three; and said committee are hereby further authorized to cast the vote of said town in the choice of directors of said road at the first meeting of the stockholders

Committee to subscribe for shares voted, and vote for first directors.

Thereafter votes
to be cast by per-
sons designated.

held for that purpose ; and thereafter the vote of said town, in the choice of directors for said road, shall be cast by the person or persons said town may appoint.

SECTION 4. This act shall take effect upon its passage.

Approved March 24, 1863.

[1863, 105, 110; 1864, 11, 156; 1865, 60, 200; 1868, 66, 133.]

[1861, 109; 1863, 95, 96, 104.]

Chap. 105

AN ACT to authorize the Town of Orleans to take Stock in the Cape Cod Central Railroad Company.

Be it enacted, &c., as follows :

May take stock to
amount of twenty-
five thousand
dollars.

SECTION 1. The town of Orleans is hereby authorized to subscribe for, and hold shares in the capital stock of the Cape Cod Central Railroad Company, to the amount of twenty-five thousand dollars, and to pay for the same out of the treasury of the town, and to hold the same as town property, subject to the disposition of the town for public purposes, in like manner as any other property which it may possess.

May raise money
by loan or tax.

SECTION 2. The said town of Orleans is hereby authorized to raise by issuing its bonds, or by loan or tax, any sums of money which may be required to pay its instalments or its subscriptions to said stock and interest thereon.

Committee to
subscribe for
shares voted, and
vote for directors.

SECTION 3. The committee appointed by a vote of said town of Orleans to petition this legislature for the authority granted in the first and second sections of this act, are hereby authorized to subscribe in behalf of said town for the number of shares in the capital stock of said Cape Cod Central Railroad Company as was voted by said town at a meeting held on the fourth day of March, eighteen hundred and sixty-three ; and said committee are hereby further authorized to cast the vote of said town in the choice of directors for said road at the first meeting of the stockholders called for that purpose ; and thereafter the vote of said town in the choice of directors, shall be cast by the person or persons said town may appoint.

Thereafter vote
to be cast by per-
sons designated.

SECTION 4. This act shall take effect upon its passage.

Approved March 24, 1863.

[1863, 110; 1864, 11, 156; 1865, 60, 200; 1868, 66, 133.]

Chap. 106

AN ACT to incorporate the Education Society of the Denomination called Christians.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Richard F. Fuller, John W. Haley, Benjamin F. Carter, their associates and successors, are hereby made a corporation, for the purpose of holding and distributing funds to promote education in the Christian denomination ;

Purpose.

with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes.

Powers and duties.

SECTION 2. The said corporation may take and hold real estate, not exceeding in value fifty thousand dollars, and personal property not exceeding in value fifty thousand dollars, all of which shall be devoted to the purpose aforesaid.

Real and personal estate.

Approved March 24, 1863.

[1850, 58; 1852, 94; 1853, 175; 1856, 158; 1857, 26; 1861, 128, 151.]

AN ACT authorizing the City of Springfield to construct certain Drains.

Chap. 107

Be it enacted, &c., as follows :

SECTION 1. The city council of the city of Springfield is hereby authorized to construct one or more, but not exceeding three drains, leading from suitable points on Garden Brook, in the central part of the city, to the Connecticut River, for the purpose of protecting private property, and the streets of the city, from damage by water during seasons of freshet.

May construct drains from Garden Brook to Conn. River.

SECTION 2. After the completion of any drain constructed under the provisions of this act, the city council shall, with the assistance of a competent engineer, ascertain and determine the extent of territory benefited thereby, and what portion of the expense thereof shall be borne by the city, and what portion by the owners of real estate: but not less than one-third part of the cost shall be borne by the city. A notice of such determination shall be published for two weeks successively, in the newspaper having the largest circulation in the city.

City council to determine division of expense with land-owners.

Proviso.

Notice to be published.

SECTION 3. Any person aggrieved by the determination of the city council, either as to the division of expense between the city and the owners of real estate, or as to the extent of territory over which it is proposed to distribute that part of the expense to be assessed upon owners of real estate benefited, may at any time within two months after the publication of the notice aforesaid, apply for a jury. Such application shall be made in like manner, and the proceedings thereon shall be the same, as in the case of a jury called to act upon the laying out and discontinuance of highways; provided that, upon making his application, the party shall give two weeks' notice in writing to the mayor and aldermen, of his intention so to apply, and shall therein particularly specify his objections to the proposed division of expense, and to the extent of territory over which a portion of the expense is to be assessed; to which specification he shall be confined upon the hearing before the jury. If upon the hearing, the objections to said determination are not

Aggrieved parties may apply for jury.

Manner of application and proceedings.

Costs of hearing how paid.

Thereafter votes
to be cast by per-
sons designated.

held for that purpose ; and thereafter the vote of said town, in the choice of directors for said road, shall be cast by the person or persons said town may appoint.

SECTION 4. This act shall take effect upon its passage.

Approved March 24, 1863.

[1863, 105, 110; 1864, 11, 156; 1865, 60, 200; 1868, 66, 133.]

[1861, 109; 1863, 95, 96, 104.]

Chap. 105

AN ACT to authorize the Town of Orleans to take Stock in the Cape Cod Central Railroad Company.

Be it enacted, &c., as follows :

May take stock to
amount of twenty-
five thousand
dollars.

SECTION 1. The town of Orleans is hereby authorized to subscribe for, and hold shares in the capital stock of the Cape Cod Central Railroad Company, to the amount of twenty-five thousand dollars, and to pay for the same out of the treasury of the town, and to hold the same as town property, subject to the disposition of the town for public purposes, in like manner as any other property which it may possess.

May raise money
by loan or tax.

SECTION 2. The said town of Orleans is hereby authorized to raise by issuing its bonds, or by loan or tax, any sums of money which may be required to pay its instalments or its subscriptions to said stock and interest thereon.

Committee to
subscribe for
shares voted, and
vote for directors.

SECTION 3. The committee appointed by a vote of said town of Orleans to petition this legislature for the authority granted in the first and second sections of this act, are hereby authorized to subscribe in behalf of said town for the number of shares in the capital stock of said Cape Cod Central Railroad Company as was voted by said town at a meeting held on the fourth day of March, eighteen hundred and sixty-three ; and said committee are hereby further authorized to cast the vote of said town in the choice of directors for said road at the first meeting of the stockholders called for that purpose ; and thereafter the vote of said town in the choice of directors, shall be cast by the person or persons said town may appoint.

Thereafter vote
to be cast by per-
sons designated.

SECTION 4. This act shall take effect upon its passage.

Approved March 24, 1863.

[1863, 110; 1864, 11, 156; 1865, 60, 200; 1868, 66, 133.]

Chap. 106

AN ACT to incorporate the Education Society of the Denomination called Christians.

Be it enacted, &c., as follows :

Corporators.

Purpose.

SECTION 1. Richard F. Fuller, John W. Haley, Benjamin F. Carter, their associates and successors, are hereby made a corporation, for the purpose of holding and distributing funds to promote education in the Christian denomination ;

with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes. Powers and duties.

SECTION 2. The said corporation may take and hold real estate, not exceeding in value fifty thousand dollars, and personal property not exceeding in value fifty thousand dollars, all of which shall be devoted to the purpose aforesaid. Real and personal estate.

Approved March 24, 1863.

[1850, 58; 1852, 94; 1853, 175; 1856, 158; 1857, 26; 1861, 128, 151.]

AN ACT authorizing the City of Springfield to construct certain Drains. Chap. 107

Be it enacted, &c., as follows :

SECTION 1. The city council of the city of Springfield is hereby authorized to construct one or more, but not exceeding three drains, leading from suitable points on Garden Brook, in the central part of the city, to the Connecticut River, for the purpose of protecting private property, and the streets of the city, from damage by water during seasons of freshet. May construct drains from Garden Brook to Conn. River.

SECTION 2. After the completion of any drain constructed under the provisions of this act, the city council shall, with the assistance of a competent engineer, ascertain and determine the extent of territory benefited thereby, and what portion of the expense thereof shall be borne by the city, and what portion by the owners of real estate: but not less than one-third part of the cost shall be borne by the city. City council to determine division of expense with land-owners.
A notice of such determination shall be published for two weeks successively, in the newspaper having the largest circulation in the city. Proviso.

SECTION 3. Any person aggrieved by the determination of the city council, either as to the division of expense between the city and the owners of real estate, or as to the extent of territory over which it is proposed to distribute that part of the expense to be assessed upon owners of real estate benefited, may at any time within two months after the publication of the notice aforesaid, apply for a jury. Aggrieved parties may apply for jury.
Such application shall be made in like manner, and the proceedings thereon shall be the same, as in the case of a jury called to act upon the laying out and discontinuance of highways; provided that, upon making his application, the party shall give two weeks' notice in writing to the mayor and aldermen, of his intention so to apply, and shall therein particularly specify his objections to the proposed division of expense, and to the extent of territory over which a portion of the expense is to be assessed; to which specification he shall be confined upon the hearing before the jury. Manner of application and proceedings.
If upon the hearing, the objections to said determination are not Costs of hearing how paid.

Objections being sustained, council may determine anew.

Failure to apply for jury to bar right of action at law.

Expense to be borne by estate owners to be assessed in two months after determination of city council.

Assessments to constitute lien upon estate.

Aggrieved party may have remedy.

Assessors to determine division of assessment between landlord and tenant.

Drains to be property of city.

sustained, the charges arising on such application shall be paid by the applicant, or person recognizing therefor; otherwise they shall be paid by the city, and the city council may, if necessary, determine anew the division of expense and the extent of territory benefited by said drainage. Any person who neglects to make application for a jury, as herein provided, shall be concluded by such determination of the city council, and shall not be entitled to recover, by an action at law, or otherwise, the amount of the assessment collected of him.

SECTION 4. After two months from the final determination of the city council, as to the division of expense of any drain constructed under the provisions of this act, and the extent of territory benefited thereby, that portion of the expense of said drain which is to be borne by the owners of real estate within the district adjudged to be benefited, shall be equitably and ratably assessed upon such owners by the board of assessors of the city, and shall be collected by the city collector. The assessments so made shall constitute a lien upon the real estate assessed, in the same manner as taxes are a lien upon real estate, and shall be collected in the manner provided by chapter twelve of the General Statutes, for the collection of taxes. But any person aggrieved by the amount assessed to him, shall be entitled to the remedies provided in sections forty-three, forty-four and forty-five of chapter eleven of the General Statutes.

SECTION 5. When any real estate to be assessed under the provisions of this act, is held by a tenant for life or years, the assessors shall determine how much shall be assessed to the tenant, and how much to the landlord or reversioner, and shall assess the same accordingly.

SECTION 6. Any drain constructed under the provisions of this act, shall be held to be the property of the city of Springfield, to be used, controlled, maintained and repaired, in the same manner as drains constructed wholly at the expense of the city.

SECTION 7. This act shall take effect upon its passage.

Approved March 24, 1863.

[1863, 192, 204; 1864, 165; 1866, 49; 1867, 94.]

[1861, 109; 1863, 95, 96, 104, 105.]

Chap. 110 AN ACT in addition to an Act to incorporate the Cape Cod Central Railroad Company.

Be it enacted, &c., as follows:

May extend road into town of Chatham.

SECTION 1. The second section of an act approved March twenty-eighth, eighteen hundred and sixty-one, entitled "An Act to incorporate the Cape Cod Central Railroad Company," is hereby so amended that said company may

locate, construct and operate its road through the town of Chatham, in addition to the towns named in said section.

SECTION 2. The third section of said act is hereby so amended that said company may increase its capital stock fifty thousand dollars beyond the amount named in said section. \$50,000 additional capital stock.

SECTION 3. The time for organizing said company, for filing the location of its road, and for constructing the same, is hereby extended six months beyond the time allowed in the fourth section of said act. Time for location and construction extended.

SECTION 4. This act shall take effect upon its passage.

Approved March 26, 1863.

[1864, 11, 156; 1865, 60, 200; 1868, 66, 133.]

AN ACT to incorporate the Wenham Lake Branch Railroad Company. *Chap. 111*
Be it enacted, &c., as follows:

SECTION 1. Benjamin C. Raymond, Augustus N. Clark and William D. Northend, their associates and successors, are hereby made a corporation, by the name of The Wenham Lake Branch Railroad Company, with all the powers and privileges, and subject to all the liabilities, restrictions and duties set forth in the sixty-third and sixty-eighth chapters of the General Statutes, and in all statutes, which have been or may hereafter be passed, relating to railroad corporations. Corporators.
Name.
Powers and duties.

SECTION 2. Said company is hereby authorized to locate, construct and maintain a railroad, with one or more tracks, from some convenient point in the town of Beverly or Wenham, northerly of the North Beverly depot, so called, on the Eastern Railroad, to the land and ice-houses of Benjamin C. Raymond, near to Wenham Lake, so called; and with the consent of the Eastern Railroad Company, to enter upon said Eastern Railroad, by proper turnouts and switches, and to use the same, or any part thereof, according to law. Location defined.

SECTION 3. The capital stock of said corporation shall not exceed one hundred shares, the number of which shall be determined from time to time, by the directors of said corporation; and no assessments shall be laid thereon of a greater amount, in the whole, than one hundred dollars on each share; and said company may purchase and hold such real estate and other property, as may be necessary for the use of said railroad, and for the transportation of ice over the same. Capital stock and shares.
Real and personal estate.

SECTION 4. If the location of this road be not filed within one year, and if the said railroad be not constructed within two years from the passage of this act, then this act shall be void. Time for location and construction.

SECTION 5. This act shall take effect upon its passage.

Approved March 26, 1863.

[1865, 79.]

Chap. 112

AN ACT to incorporate the American Steamship Company.

*Be it enacted, &c., as follows :***Corporators.****Name.****Powers and duties.****May build, purchase or charter vessels, and ply between ports in Commonwealth and Great Britain and Ireland.****May charter to others conditionally, and to U. S. without restriction.****Capital stock and shares.****Conditions of validity of Act.**

SECTION 1. Edward S. Tobey, Amos A. Lawrence, James M. Beebe, their associates and successors, are hereby made a corporation by the name of The American Steamship Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the general laws which now are, or may hereafter be in force, relative to such corporations.

SECTION 2. The said company are hereby authorized and empowered to build, purchase, charter, hold and convey steamships, and navigate the ocean therewith, between any port or ports in this Commonwealth, and any port or ports in the United Kingdom of Great Britain and Ireland, with authority to touch at intermediate ports; and said company may let, by charter, one or more of their steamships to any person, provided such charter does not prevent said company from complying with the terms of this act; and said company may also, by charter, let any or all of their steamships to the United States of America, without any restriction as to the service in which said vessels may be employed.

SECTION 3. The capital stock of said corporation shall not exceed two millions of dollars, and shall be divided into shares of the par value of one hundred dollars each; and said corporation shall have power to assess, from time to time, upon such shares, such sums as may be deemed necessary to accomplish the object of said corporation, not exceeding the par value of such shares.

SECTION 4. If said corporation shall not within one year from the passage hereof, have been organized, and have collected assessments of not less than five per cent. on the capital stock, and shall not within two years from the passage of this act have employed one steamship, and within three years two steamships, to navigate the ocean between some port or ports in this Commonwealth, and some port or ports in the United Kingdom of Great Britain and Ireland; or if said company shall thereafter wholly fail, unless prevented by war with foreign powers, for the period of one year to employ two steamships for said purposes, or if said company shall fail to comply with the other conditions of this act, then this act shall be null and void.

SECTION 5. This act shall take effect upon its passage.

Approved March 26, 1863.

[1864, 136; 1865, 187; 1867, 64.]

[1849, 194; 1850, 268; 1851, 335; 1852, 47; 1853, 311; 1854, 421, 447; 1860, 44, 205; 1861, 44, 155; 1862, 126.]

AN ACT concerning the Midland Land Damage Company, and to change its name to the Southern Midland Railroad Company. Chap. 116

Be it enacted, &c., as follows:

SECTION 1. The corporation established by the name of the Midland Land Damage Company, shall hereafter be known by the name of the Southern Midland Railroad Company, and by that name it may sue and be sued, and its rights and obligations shall remain the same as if its name had not been changed. Name changed to Southern Midland Railroad Company.

SECTION 2. The time within which said corporation is required to complete its railroad, is hereby extended to the first day of May, in the year eighteen hundred and sixty-five. Time for completion of road extended.

SECTION 3. In case there should be a sale of any portion of its railroad, under the provisions of the mortgage of the Norfolk County Railroad Company, or under the provisions of the mortgage of the Boston and New York Central Railroad Company, said corporation is hereby authorized to purchase the same. In case of sale of portion of road, corporation may purchase.

SECTION 4. After the railroad of said corporation shall have been completed between its extreme terminal points, and opened for public use and travel throughout its entire line from Boston to Globe Village, in the town of Southbridge, to the satisfaction and approval of three able and impartial commissioners, to be appointed by the governor, said corporation may issue at one time additional shares of the par value of one hundred dollars each, and divide the same pro rata among the stockholders of that date, and those who may become such by virtue of contracts or agreements with said corporations subsisting at the passage of this act: *provided, however*, that the whole number of shares of said corporation shall not exceed forty thousand, and shall represent money actually expended in the construction of said road, and that the whole number of shares subject to the above limitation shall be determined by said commissioners, after a full inquiry into the amount of money so expended, the amount of the indebtedness then existing, and the number of shares then already issued: and *provided, further*, that no such additional shares shall be issued until the report of said commissioners, upon all the matters hereby committed to them, shall have been published once a week for four successive weeks in some newspaper, to be named by said commissioners, printed in each of the counties wherein said road is located, nor until all the land damages remaining Upon completion of road from Boston to Southbridge, and approval by commissioners, corporation may issue additional shares.

Proviso: number of shares, &c.

Report of commissioners to be published and damages paid before issue of shares.

Compensation of
commissioners.

unpaid upon the entire line of said road shall be paid or secured by this corporation, as provided in the sixty-third chapter of the General Statutes. The compensation of said commissioners shall be fixed by the governor and council, and shall be paid by the said corporation.

SECTION 5. This act shall take effect upon its passage.

Approved March 28, 1863.

[1868, 145.]

[1838, 19; 1844, 65; 1853, 377.]

Chap. 117 AN ACT in addition to an Act to regulate the Fishery in the Agawam and Half-way Pond Rivers.

Be it enacted, &c., as follows:

Committees of
Plymouth and
Wareham to
have control
until others are
qualified.

SECTION 1. The committees annually chosen by the towns of Plymouth and Wareham, under the provisions of the eighty-ninth chapter of the acts of the year eighteen hundred and sixty, shall have a general superintendence and control of the alewife and shad fishery in the Agawam and Half-way Pond Rivers, and in any pond or stream communicating therewith, throughout the entire year for which they are elected, and until other committees are chosen and qualified in their stead.

Penalty for tak-
ing fish without
license from
committee.

SECTION 2. All persons, excepting those who may be engaged, with their agents, in taking said fish under the license of said committees, within the times limited by said committee, who shall take any of the fish called alewives or shad in any stage of their growth, at any time of the year, in either of said rivers, or in any pond or stream communicating therewith, shall forfeit and pay not less than five nor more than fifty dollars for each and every offence, to be recovered in the same manner and to the use of said towns, as is provided in the seventh section of the act herein first before referred to.

Repeal.

SECTION 3. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved March 28, 1863.

[1867, 344.]

Chap. 118 AN ACT in relation to the Coast Defences of Massachusetts.

Be it enacted, &c., as follows:

Governor and
council may pur-
chase materials
for coast defences

SECTION 1. The governor, by and with the advice and consent of the council, is authorized to expend any portion or the whole of the sum hereinafter appropriated, in the purchase or manufacture of ordnance, or in the building and equipping of iron-clad or other steamers, or in the erection of iron-clad or other fortifications, or in such other measures as the public exigencies may require for the defence of the

coast of Massachusetts; and he may enter into all such arrangements with the general government as may be necessary for the better accomplishment of the object of this act, and for the re-imbursement of any sums so expended.

May co-operate with U. S. government.

SECTION 2. The inhabitants of any town, and the city council of any city on the coast of Massachusetts, are hereby authorized to raise money and expend the same in defending such city or town against the public enemies of the United States; but no such expenditures shall be made without the approval of the governor and council, nor shall anything be done under this act in contravention of the constitution and laws of the United States.

Cities and towns may expend money for defence, with approval of governor and council.

SECTION 3. For the purpose of meeting the expenses which may be incurred under the first section of this act, the treasurer of the Commonwealth is hereby authorized to issue scrip or certificates of debt, in the name and on behalf of the Commonwealth, under his signature and the seal of the Commonwealth, to an amount not exceeding one million dollars; and the same is hereby appropriated for the purpose of paying all liabilities incurred under the first section of this act; and the governor is authorized, from time to time, to draw his warrant upon the treasurer for so much as may be needed.

Treasurer to issue scrip, and governor may draw from treasury not exceeding \$1,000,000.

SECTION 4. Such scrip or certificates of debt shall bear interest not exceeding six per centum per annum, payable semi-annually on the first days of January and July in each year, and may be issued at such times and in pieces of such amount as shall be fixed by the governor and council. All such scrip issued in pieces of five hundred dollars or over, shall have interest warrants attached thereto, signed by the treasurer. Scrip for smaller sums shall be issued without such warrants, but bearing interest payable semi-annually on presentation to the treasurer. Such scrip or certificates of debt shall be redeemable in not less than ten, nor more than thirty years from the first day of July, eighteen hundred and sixty-three; and the same shall be countersigned by the governor, and be deemed a pledge of the faith and credit of the Commonwealth. The treasurer may from time to time dispose of so much of the same as shall be required under the direction of the governor and council.

Interest on scrip not to exceed six per cent, and warrants to be attached, on pieces of \$500 and over.

Scrip redeemable in ten to thirty years.

SECTION 5. This act shall take effect upon its passage.

Approved March 30, 1863.

[1863, 166, 339.]

[1836, 42; 1837, 4; 1839, 46; 1855, 289; 1856, 22; 1858, 129; 1859, 181.]

Chap. 120

AN ACT in addition to an Act establishing the City of Salem.

Be it enacted, &c., as follows:

Wardens and clerk of ward to be chosen on first Monday of January.

SECTION 1. On the first Monday of January, annually, there shall be chosen by ballot in each of the wards of the city of Salem, a warden, two assistant wardens, and a clerk, who shall be qualified as soon after the day of said election as may be, and shall enter upon the duties of their respective offices on the fourth Monday of January, and hold their offices for the term of one year thereafter and until others shall have been chosen and qualified in their places.

Certificates of election to be forthwith delivered, and copy filed with city clerk.

SECTION 2. The ward clerk, within twenty-four hours after the day of such election, shall deliver to the persons elected as warden, assistant-wardens and clerk, certificates of their election, and shall forthwith give to the city clerk a certified copy of the record of such election.

In case of absence of ward officers, or refusal to serve, meeting may be organized.

SECTION 3. If at any ward meeting in either of the wards, both the warden and clerk shall be absent, either of the assistant-wardens may call the meeting to order and preside until a warden pro tempore shall be chosen; and in case of the absence of all of said officers, the constable who returns the warrant to said meeting, may call the meeting to order and preside until a warden pro tempore shall be chosen by ballot; and whenever any ward officer may be absent or neglect or refuse to perform his duties, his office shall be filled pro tempore, by ballot.

Repeal.

SECTION 4. All the provisions of an act establishing the city of Salem, and the acts additional thereto, inconsistent herewith, are hereby repealed. This act shall take effect upon its acceptance by the city council of said city.

When to take effect.

Approved March 30, 1863.

[1864, 268; 1865, 109; 1866, 111, 258; 1867, 124, 163, 187, 323; 1868, 58, 302.]

Chap. 121

AN ACT to incorporate the Springfield Horse Railroad Company.

Be it enacted, &c., as follows:

Corporators.

Name.

Location.

SECTION 1. Chester W. Chapin, George Bliss, Henry Alexander, junior, their associates and successors, are hereby made a corporation by the name of The Springfield Horse Railroad Company, with power to construct, maintain and use a railway, with convenient single or double tracks, from such point or points on Main Street, in the city of Springfield, as shall be from time to time fixed by the city council of said city, with the assent, in writing, of said corporation, filed in the office of the city clerk of said city; then upon and over such street or streets, and such highway or highways, as shall be designated by a vote of the city council of said city.

SECTION 2. The corporation hereby created, in crossing all the branches and lateral tracks of any other railroad company, shall cross in such a manner as not to injure any of the said tracks or branches, and the rails thereof, and shall insert no frogs therein, and make no incisions into the rails thereof without the consent of said company.

Conditions of crossing tracks of other companies.

SECTION 3. Said tracks or roads shall be operated and used with horse-power only. The city council of the city of Springfield shall have power, at all times, to make all such regulations as to the rate of speed and mode of use of the tracks, as the public safety and convenience may require.

Motive-power and rate of speed.

SECTION 4. Said corporation shall keep and maintain in repair such portion of the streets and highways respectively, as shall be occupied by their tracks, and shall be liable for any loss or injury that any person may sustain, by reason of any carelessness, neglect or misconduct of any of its agents and servants in the management, construction or use of said roads, tracks or highways; and in case any recovery shall be had against said city of Springfield, by reason of such defect or want of repair, said corporation shall be liable to pay to said city of Springfield any sums thus recovered against said city, together with all costs and reasonable expenditures incurred by said city in the defence of any such suits, in which recovery may be had; and said corporation shall not use any portion of the streets or highways not occupied by said road or tracks.

Highways occupied, corporation to maintain and be liable for injuries from its neglect or misconduct of agents.

Limitation of use.

SECTION 5. If any person shall wilfully and maliciously obstruct said corporation in the use of said road or tracks, or the passing of the cars or carriages of said corporation thereon, such person, and all who shall be aiding or abetting therein, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the common jail for a period not exceeding three months.

Obstructing corporation punishable by fine or imprisonment.

SECTION 6. If said corporation, or its agents or servants, shall wilfully and maliciously obstruct any highways, or the passing of any carriages over the same, such corporation shall be punished by a fine not exceeding five hundred dollars.

Obstructing by corporation, by fine.

SECTION 7. The capital stock of said corporation shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each.

Capital stock and shares.

SECTION 8. Said corporation shall have power to purchase and hold such real estate within said city of Springfield, as may be convenient or necessary for the purposes and management of said road.

Real estate.

Construction and maintenance of road under direction of city council.

Alteration of grade.

Proviso.

Control of highways by city.

Discontinuance of road after one year authorized.

City of Springfield, after ten years, may purchase franchise and property.

Acceptance of act and construction of road.

Annual returns.

SECTION 9. The said road shall be constructed and maintained in such form and manner, and upon such grade as the city council of said city of Springfield may, in their votes fixing and determining the routes thereof, as aforesaid, prescribe and direct; and whenever, in the judgment of said corporation, it shall be necessary to alter the grade of any street so occupied by it, such alteration may be made at the expense of said corporation: *provided*, the same shall be assented to by the city council of said city of Springfield.

SECTION 10. Nothing in this act shall be construed to prevent the city council of said city from entering upon and taking up any of the public streets or highways traversed by said railroad, for any purpose for which they may now lawfully take up the same.

SECTION 11. At any time after the expiration of one year from the opening for use of the tracks of said railroad in any street or road in which the same shall be located, as provided by its charter, the city council of the city of Springfield may determine that the same, or any part thereof, be discontinued; and thereupon the location shall be deemed to be revoked, and the tracks of said railroad shall forthwith be taken up and removed, in conformity with the order of said city council of the city of Springfield; and such taking up and removal shall be at the expense of said railroad corporation.

SECTION 12. The city of Springfield may, at any time during the continuance of the charter of said corporation, and after the expiration of ten years from the opening of any part of said road for use, purchase of said corporation all the franchise, property, rights and furniture of said corporation, by paying therefor such a sum as will reimburse to each person who shall then be a stockholder therein, the par value of his stock, together with a net profit of ten per cent. per annum from the time of the transfer of said stock to him on the books of the corporation, deducting the dividends received by said stockholders thereon.

SECTION 13. This act shall be void, so far as relates to the right to construct said road in said city of Springfield, unless the same shall be accepted by the city council of said city of Springfield, and unless the same shall be accepted by said corporation, and unless two miles of said road shall be located and constructed within two years from the passage of this act.

SECTION 14. Said corporation shall be deemed a railroad corporation, so far as to be subject to make such annual

returns to the legislature as are or may be prescribed by law; and also so far as to be subject to all existing provisions of law for the assessment and payment of damages for the land outside of the streets and highways taken by them for tracks, and to all general provisions of law that are or may be prescribed relative to horse or street railroads. Land damages.

SECTION 15. This act shall take effect upon its passage.

Approved March 30, 1863.

[1865, 53.]

[1861, 222; 1862, 66, 166; 1863, 38, 58, 79.]

AN ACT to prohibit Cities and Towns from making Illegal Appropriations of Money, and to punish Officers therefor for unlawful Payment of the same.

Chap. 122

Be it enacted, &c., as follows:

SECTION 1. No city or town shall vote or appropriate any money to relieve or discharge from the military service of the United States any person who shall be called or drafted into such service under or by authority of the act of congress, entitled "An Act for enrolling and calling out the National Forces, and for other purposes," approved on the third day of March, in the year one thousand eight hundred and sixty-three; and every such vote and appropriation shall be void and of no effect. Appropriations in behalf of drafted persons declared void.

SECTION 2. No city or town officer shall pay or disburse any money in his custody or possession belonging to his city or town, to relieve or discharge from the military service of the United States, any person who shall be called or drafted into such service under or by authority of the aforesaid act of congress; nor shall any city or town officer pay or disburse any money in his custody or possession belonging to his city or town, for any bounty or other gratuity to any volunteer or other person who has been or shall be enlisted or drafted into the military service of the United States, except for such bounties and aid as are authorized by existing laws; and every payment or disbursement by any city or town officer, in violation of the provisions of this act, shall be deemed to have been made by him in his own wrong, and he shall be held to account for the same to his city or town. Town officer not to pay public money except as authorized by law.

SECTION 3. Any city or town officer who shall offend against the provisions of this act shall, upon conviction thereof, be punished by a fine not exceeding two thousand dollars, or by imprisonment, not exceeding two years, in the jail or house of correction. Penalty.

SECTION 4. This act shall take effect upon its passage.

Approved March 31, 1863.

[1863, 176, 218; 1864, 47; 1866, 172, 282; 1867, 136; 1868, 107, 115.]

Chap. 123

AN ACT to incorporate the Trustees of the Boston College.

Be it enacted, &c., as follows :

Corporators.

Name.

Charter perpetual.

Trustees may elect necessary officers and declare duties, &c.

May remove trustees and fill vacancy.

Proviso.

May determine time and manner of meetings; elect officers from time to time, and determine duties, salaries, &c.

Corporation may own buildings, establish rules and by-laws for government of college, and confer degrees.

Proviso.

May have corporate seal.

SECTION 1. John McElroy, Edward H. Welch, John Bapst, James Clark, and Charles H. Stonestreet, their associates and successors are hereby constituted a body corporate by the name of the Trustees of the Boston College, in Boston, and they and their successors and such as shall be duly elected members of such corporation, shall be and remain a body corporate by that name forever; and for the orderly conducting the business of said corporation the said trustees shall have the power and authority from time to time, as occasion may require, to elect a president, vice-president, secretary, treasurer, and such other officers of said corporation as may be found necessary, and to declare the duties and tenures of their respective offices, and also to remove any trustee from the same corporation, when in their judgment he shall be rendered incapable by age or otherwise, of discharging the duties of his office, or shall neglect or refuse to perform the same, and also from time to time to elect new members of the said corporation : *provided, nevertheless*, that the number of members shall never be greater than ten.

SECTION 2. The said corporation shall have full power and authority to determine at what times and places their meetings shall be holden, and the manner of notifying the trustees to convene at such meetings, and also from time to time to elect a president of said college, and such professors, tutors, instructors and other officers of the said college, as they shall judge most for the interest thereof, and to determine the duties, salaries, emoluments, responsibilities and tenures of their several offices; and the said corporation are further empowered to purchase or erect and keep in repair, such houses and other buildings as they shall judge necessary for the said college; and also to make and ordain, as occasion may require, reasonable rules, orders and by-laws, not repugnant to the constitution and laws of this Commonwealth, with reasonable penalties for the good government of the said college, and for the regulation of their own body; and also, to determine and regulate the course of instruction in said college, and to confer such degrees as are usually conferred by colleges in this Commonwealth, except medical degrees : *provided, nevertheless*, that no corporate business shall be transacted at any meeting unless one-half, at least, of the trustees are present.

SECTION 3. Said corporation may have a common seal, which they may alter or renew at their pleasure, and all

deeds sealed with the seal of said corporation, and signed by their order, shall, when made in their corporate name, be considered in law as the deeds of said corporation ; and said corporation may sue and be sued in all actions, real, personal or mixed, and may prosecute the same to final judgment, and execution by the name of the Trustees of Boston College ; and said corporation shall be capable of taking and holding in fee simple or any less estate by gift, grant, bequest, devise or otherwise, any lands, tenements, or other estate real or personal : *provided*, that the clear annual income of the same shall not exceed thirty thousand dollars.

May sue and be sued.

May hold bequests, grants, &c.

Proviso.

SECTION 4. The clear rents and profits of all the estate, real and personal, of which the said corporation shall be seized and possessed, shall be appropriated to the endowments of said college in such manner as shall most effectually promote virtue and piety, and learning, in such of the languages and of the liberal and useful arts and sciences, as shall be recommended from time to time by the said corporation, they conforming to the will of any donor or donors in the application of any estate which may be given, devised or bequeathed, for any particular object connected with the college.

Rents and profits to be appropriat'd to purposes of college.

Will of donor to be observed.

SECTION 5. No student in said college shall be refused admission to, or denied any of the privileges, honors or degrees of said college on account of the religious opinions he may entertain.

Religious opinions to be no bar to admission of student.

SECTION 6. The legislature of this Commonwealth may grant any further powers to, or alter, limit, annul or restrain any of the powers vested by this act in the said corporation, as shall be found necessary to promote the best interests of the said college, and more especially may appoint overseers or visitors of the said college, with all necessary powers for the better aid, preservation and government thereof.

Legislature may modify powers of corporation and appoint overseers.

SECTION 7. The granting of this charter shall never be considered as any pledge on the part of the Commonwealth that pecuniary aid shall hereafter be granted to the college.

Charter not to be deemed pledge of future aid.

Approved April 1, 1863.

AN ACT concerning Truant Children in Dukes County.

Chap. 128

Be it enacted, &c., as follows :

SECTION 1. Any minor convicted under the provisions of the two hundred and seventh chapter of the acts of the year eighteen hundred and sixty-two, in Dukes County, may be sentenced and confined in the farm school, so called, in the city of New Bedford, in the county of Bristol, in the same manner as if the same was in Dukes County.

Minor may be sent to Farm School in New Bedford.

Expense, how determined and paid.

SECTION 2. Any town in Dukes County from which any minor may be sentenced as aforesaid, shall pay to the city of New Bedford, for the support of every person so confined, the sum of two dollars for each and every week such person may remain at said school.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1863.

[1851, 296, 333; 1855, 164; 1858, 160; 1860, 175.]

Chap. 129

AN ACT in addition to an Act to establish the City of Newburyport.
Be it enacted, &c., as follows :

Overseers of poor to be chosen.

SECTION 1. The qualified voters of the city of Newburyport, at their respective annual ward meetings, shall elect at large, by ballot, three persons to be overseers of the poor; and the persons thus chosen shall constitute the board of overseers of the poor: said board of overseers shall quarterly, on or before the fifth days of March, June, September and December in each year, make returns to the city council of the names of all those who have received assistance from the city, for any portion or the whole of the quarters ending on the last days of the months immediately preceding said returns, with the amount received by each. All supplies shall be purchased, and all aid dispensed in such manner as the city council may direct.

Duties defined.

Board of auditors to examine accounts and make report.

SECTION 2. The mayor, president of the common council, and the city treasurer, shall constitute a board of auditors, whose duty it shall be to examine all the accounts, acts and doings of the said board of overseers, and shall annually, on or before the first Monday of December, make a report to the city council, of all such matters relating to all disbursements by said board of overseers, whether as trustees under the wills of Margaret Atwood and Timothy Dexter, or otherwise, as they may deem the public good to require.

Repeal.

SECTION 3. So much of the two hundred and ninety-sixth chapter of the acts of the year one thousand eight hundred and fifty-one, and of all other acts as is inconsistent herewith, is hereby repealed.

Act void unless accepted.

SECTION 4. This act shall be void unless the inhabitants of the city of Newburyport, at a legal meeting called for that purpose within ninety days after the passage of this act, shall by a vote of a majority of the voters present and voting thereon, yea or nay, by a written ballot, determine to adopt the same.

Approved April 4, 1863.

[1864, 86, 275; 1866, 175, 241; 1867, 179; 1868, 251.]

[1857, 250.]

AN ACT concerning the Somerville Horse Railroad Company.

Chap. 132

Be it enacted, &c., as follows :

SECTION 1. The Somerville Horse Railroad Company is hereby authorized and empowered, with the consent of the selectmen of the town of Somerville, to extend its railroad from its track, as now laid down in Milk Street, in said Somerville, to Bridge Street, near Miller's Creek, in East Cambridge; thence through Bridge Street, in East Cambridge, to the track of the Cambridge Railroad Company; and to enter upon and use the tracks of the said Cambridge Railroad Company, and the tracks of the Suffolk Railroad Company, in such mode and upon such rates of compensation, as may be agreed by the parties. But the said Somerville Horse Railroad Company shall be subject to all such regulations as said board of selectmen may make, touching the location of its tracks between the aforesaid terminal points, the mode of using said tracks, and the rate of speed thereon, and to all the liabilities imposed upon the Somerville Horse Railroad Company, as set forth in the two hundred and fiftieth chapter of the acts of the year eighteen hundred and fifty-seven, and the several acts therein referred to; and this act shall be void unless accepted by the selectmen of the town of Somerville.

Authorized to extend its road.

Regulations, &c.

Liabilities.

SECTION 2. Said Somerville Horse Railroad Company may cross the tracks of the Fitchburg Railroad and the tracks of the Grand Junction Railroad at Milk Street, in Somerville, on a level therewith, but without inserting frogs, and without interfering with the frogs already located or projected in the tracks of said last named companies; and said crossing shall be at an angle with the said Fitchburg Railroad of not less than sixty degrees: *provided, however,* that in case the county commissioners for the county of Middlesex, upon application of either of the companies named in this section, or of the selectmen of Somerville, within three months from the passage of this act, shall determine that the public safety requires said Somerville Horse Railroad to pass over said Fitchburg Railroad and Grand Junction Railroad by a bridge, then said crossing shall be so constructed and established as said county commissioners may prescribe and determine.

May cross tracks of Fitchburg and Grand Junction Railroads.

proviso.

SECTION 3. The Somerville Horse Railroad Company shall have no authority to use its motive-power upon the tracks of the Cambridge Railroad Company, without the consent of said company, but said Cambridge Railroad Company shall, at reasonable times, and for a reasonable com-

Cambridge Railroad Co. may draw over its tracks cars of Somerville Co.

Disagreements of corporations to be determined by commissioners appointed by S. J. Court.

pensation, draw over its tracks the cars and passengers of said Somerville Horse Railroad Company; and if said corporations cannot agree upon the stated periods at which the cars shall be so drawn, or the compensation to be paid therefor, the supreme judicial court shall, upon the application of either party, appoint three commissioners, who, after due notice to the parties interested and hearing the same, shall determine such rate of compensation, and fix such periods, having reference to the public use and convenience; and the award of the commissioners, or a major part of them, shall be binding upon the respective parties for the term of one year, and until other commissioners in like manner appointed, shall make a new award.

Construction—conditions prescribed.

SECTION 4. In case the Somerville Horse Railroad Company does not construct the railroad authorized by this act within one year, the Cambridge Railroad Company shall have power to construct said railroad, subject to the provisions of this act so far as the same are applicable.

SECTION 5. This act shall take effect upon its passage.

Approved April 4, 1863.

[1864, 243; 1867, 10.]

[1861, 62.]

Chap. 133 AN ACT in addition to an Act incorporating the East Cambridge Land Company.

Be it enacted, &c., as follows:

\$500,000 additional capital stock.

SECTION 1. The capital stock of the East Cambridge Land Company may be increased to an amount not exceeding five hundred thousand dollars, divided into shares of one hundred dollars each.

Repeal.

SECTION 2. So much of the third section of chapter sixty-two of the acts of the year eighteen hundred and sixty-one, as is inconsistent herewith, is hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1863.

[1833, 186; 1861, 106; 1862, 117.]

Chap. 134 AN ACT to increase the Capital Stock of the East Boston Wharf Company.

Be it enacted, &c., as follows:

\$500,000 additional capital stock.

SECTION 1. The East Boston Wharf Company is hereby authorized to increase its capital stock by adding thereto a sum not exceeding five hundred thousand dollars, to be divided into shares according to the original charter: *provided*, that no shares shall be issued for a less sum than one hundred dollars each.

Proviso.

May hold real estate in East Boston.

SECTION 2. Said company is hereby authorized to purchase, take and hold, to itself, its successors and assigns,

and to use as may be necessary and convenient to carry on the business for which said company was incorporated, all or any part of that real estate in East Boston lying between the northerly line of the premises now owned by said company and the southerly line of the Carleton estate, so called.

SECTION 3. Chapter one hundred and six of the acts of the year eighteen hundred and sixty-one, is hereby repealed. Repeal.

SECTION 4. This act shall take effect upon its passage.

Approved April 4, 1863.

[1833, 197; 1837, 211; 1846, 166; 1855, 330.]

AN ACT concerning the Winnisimmet Company.

Chap. 135

Be it enacted, &c., as follows:

SECTION 1. The Winnisimmet Company is hereby authorized to increase its capital stock, five hundred thousand dollars, for the purpose of purchasing additional real estate adjoining its present property: *provided, however*, that no shares in the capital stock hereby authorized shall be issued for a less sum, to be actually paid in on each and every share, than the par value of the shares already issued. \$500,000 additional capital stock.
Shares not to be issued at less than par value.

SECTION 2. In case said company shall purchase the property of the Cary Improvement Company, it shall then change its name, and thereafter be called the Winnisimmet and Cary Company; and as such shall be subject to all the obligations and liabilities of said companies, severally, at the time of such purchase. May change name.
Liabilities.

SECTION 3. This act shall not take effect until it has been accepted by a vote of two-thirds of the stockholders of each of said companies, present and voting at the meetings called for that purpose. When to take effect.

Approved April 6, 1863.

[1847, 38.]

AN ACT to amend and continue in force an Act incorporating the Merrimac Steam Navigation Company.

Chap. 136

Be it enacted, &c., as follows:

SECTION 1. The act of the year one thousand eight hundred and forty-seven, incorporating the Merrimac Steam Navigation Company, shall be continued in force from and after the expiration of the term of twenty years therein named. Corporation continued without limitation of time.

SECTION 2. Said corporation is hereby authorized to increase its capital stock, to an amount not exceeding seventy-five thousand dollars, to be divided as named in said act; and also to take such steps as may be found necessary to render the Merrimac River navigable between the ocean and the entrance to the Essex Company's Canal in Lawrence, by removing or otherwise overcoming rocks and May increase capital to \$75,000.
Purpose.

Proviso.

sandbars now obstructing the free and safe navigation of said river ; and to purchase and hold such real estate, and to build and own such wharves, canals, locks or landings within said limits as may be deemed necessary or proper for the purposes of navigation, and for the transportation of merchandise or passengers upon said river : *provided*, that said corporation shall have no right under this act to interfere with any private rights, or to do anything which may render said river less navigable to the public than it now is.

SECTION 3. This act shall take effect upon its passage.

Approved April 6, 1863.

[1861, 66.]

Chap. 137

AN ACT relating to the Boston Penny Savings Bank.

Be it enacted, &c., as follows :

Time for organizing extended.

The time for organizing the Boston Penny Savings Bank is hereby extended one year.

Approved April 6, 1863.

[1867, 79.]

Chap. 138

AN ACT to incorporate the United States Steamship Company.

Be it enacted, &c., as follows :

Corporators.

Name.

Powers and duties.

May build steamships, &c.

Proviso.

SECTION 1. Silas Pierce, Jacob Sleeper, James H. Beal, their associates and successors, are hereby made a corporation by the name of the United States Steamship Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the general laws, which now are or may hereafter be in force, relating to such corporations.

SECTION 2. Said company are hereby authorized and empowered to build, purchase, hold, charter and convey, one or more steamships or steam-propellers, and navigate the same between any port or ports in this Commonwealth and the British Provinces, with liberty to touch at intermediate ports ; also between any port or ports in this Commonwealth and other ports in the United States, or in the Gulf of Mexico, with liberty to touch at any port in the West India Islands : *provided*, said ship or ships shall not ply between the port of Boston and the ports of Philadelphia, Baltimore, Charleston, Savannah and New Orleans, or either of them. And said company may let by charter, one or more of their steamships or propellers to any person, provided such charter does not prevent said company from complying with the terms of this act ; and said company may also by charter, let any or all of their steamships or propellers to the United States of America, without any restriction as to the service in which said vessels may be employed.

SECTION 3. The capital stock of said company shall not exceed two millions of dollars, and shall be divided into shares of the par value of one hundred dollars each; and said corporation shall have power to assess, from time to time, upon said shares such sums as may be deemed necessary to accomplish the object of said corporation, not exceeding the par value of such shares.

Capital stock and shares.

SECTION 4. If said corporation shall not within one year from the passage of this act, have been organized, and have collected an assessment or assessments amounting to ten per cent. on their capital stock, and shall not within one year from the passage hereof, have placed in service one or more steamships or propellers for the purposes of said company; or if said company shall thereafter, for the period of one year, wholly fail to use one or more steamships or propellers for the purposes aforesaid, unless prevented by war with foreign powers, then this act shall be null and void.

To be organized, and have steamships in service within one year.

SECTION 5. This act shall take effect upon its passage.

Approved April 8, 1863.

[1864, 157; 1865, 145; 1866, 215.]

AN ACT authorizing the Town of Milford to purchase Real Estate for a Public Park. *Chap. 141*

Be it enacted, &c., as follows:

SECTION 1. The town of Milford may purchase and hold real estate within the limits of said town, not to exceed in value at the time of purchase, the sum of fifteen thousand dollars, to be used as a public park or common.

May hold real estate for public park.

SECTION 2. This act shall take effect upon its passage.

Approved April 8, 1863.

[1854, 257; 1857, 76, 77; 1859, 168; 1860, 48; 1862, 25.]

AN ACT relating to the City of Fall River.

Chap. 142

Be it enacted, &c., as follows:

SECTION 1. The city council of the city of Fall River may, during the current year, alter the wards of said city, so that each ward shall contain as nearly as conveniently may be, an equal number of legal voters, and thereafter revise and alter said wards and increase their number, as provided in the third section of the original charter of said city.

Ward limits may be changed.

SECTION 2. The aforesaid alteration of said wards shall take effect at the next annual municipal election after the same shall have been made.

W on to take effect.

SECTION 3. All acts and parts of acts inconsistent with this act are hereby repealed.

Repeal.

Approved April 8, 1863.

Chap. 146 AN ACT relating to the Probate Court in the County of Nantucket.
Be it enacted, &c., as follows :

Time of holding
in Nantucket.

SECTION 1. The probate court for the county of Nantucket shall be held on the Thursday next after the second Tuesday of every month.

Repeal.

SECTION 2. So much of the thirty-sixth section of the one hundred and seventeenth chapter of the General Statutes as is inconsistent with this act, is hereby repealed.

SECTION 3. This act shall take effect upon the first day of May next.

Approved April 13, 1863.

Chap. 147 AN ACT to legalize certain Marriages, and for other Purposes.
Be it enacted, &c., as follows :

Wm. Brodhead
and Ann C. Brod-
head declared
husband and
wife.

SECTION 1. William Brodhead, of New Bedford, in the county of Bristol, and Ann C. Brodhead, who is now and has heretofore been reputed his wife, are hereby declared to be husband and wife, to all legal intents and purposes. And William H. Brodhead, the son of said William and Ann C., is hereby declared to be the legitimate son of his said parents, to all legal intents and purposes.

Reuben Burgess
and Hope Bur-
gess declared
husband and
wife.

SECTION 2. Reuben Burgess, of Denuis, in the county of Barnstable, and Hope Burgess, who is now and has heretofore been reputed his wife, are hereby declared to be husband and wife, to all legal intents and purposes.

Reuben Burgess
and Ann C.
Brodhead.

SECTION 3. The bonds of matrimony heretofore existing between said Reuben Burgess and Ann C. Brodhead, are hereby dissolved.

SECTION 4. This act shall take effect upon its passage.

Approved April 13, 1863.

[1845, 212; 1847, 60, 152; 1848, 229; 1850, 24, 30; 1853, 171; 1854, 313; 1855, 74, 76, 488; 1857, 2; 1859, 287.]

Chap. 149 AN ACT in relation to the City of New Bedford.
Be it enacted, &c., as follows :

Acts of city coun-
cil confirmed.

SECTION 1. The acts of the city council of the city of New Bedford, in relation to the election, in October last, of a mayor to fill the vacancy occasioned by the death of the honorable Isaac C. Taber, are hereby confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved April 13, 1863.

[1863, 153, 163; 1868, 52, 228.]

[Special Laws, vol. 1, p. 51.]

Chap. 150 AN ACT to protect the South Beach in the Town of Edgartown.
Be it enacted, &c., as follows :

Penalty for wil-
ful damage.

SECTION 1. If any person shall unlawfully, wilfully and maliciously, break down, open or cut through, or attempt so to do, the beach known by the name of the South Beach,

adjoining the Great Pond, in the town of Edgartown, for the purpose of letting off the water of said Great Pond, into the ocean, every such offender shall, on conviction, be punished by a fine of not less than one hundred dollars, and not more than one thousand dollars, or by imprisonment in the house of correction, not less than one month, nor more than one year, or both.

SECTION 2. Every breach made or attempted to be made in said beach, unless done under authority of the commissioners provided for in the act for the incorporation of the proprietors of Mattakeset Creek, passed the twenty-fourth day of June, in the year seventeen hundred and eighty-three, shall be deemed to be maliciously and unlawfully made.

Breach made or attempted, to be deemed malicious.

SECTION 3. All fines that shall be recovered under this act shall inure, one-half to the complainant, and one-half to the Commonwealth.

Disposition of fines.

SECTION 4. This act shall take effect upon its passage.

Approved April 13, 1863.

[1867, 125.]

AN ACT to incorporate the Boston Irish American Benevolent Society. *Chap. 151*

Be it enacted, &c., as follows :

SECTION 1. Patrick Fennelly, Samuel Hopkins, Patrick Pratt, their associates and successors, are hereby made a corporation, by the name of The Boston Irish American Benevolent Society, for the purpose of benefiting the condition of their members in time of sickness, and by other charitable assistance; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes.

Corporators.

Name.

Powers and duties.

SECTION 2. Said corporation may take and hold real estate not exceeding ten thousand dollars, and personal property not exceeding five thousand dollars, for the purposes aforesaid.

Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved April 14, 1863.

AN ACT to incorporate the Southbridge and Palmer Railroad Company. *Chap. 152*

Be it enacted, &c., as follows :

SECTION 1. Oliver S. Sanford, of Boston, Ebenezer D. Ammidown, of Southbridge, Newton S. Hubbard, of Brimfield, their associates and successors, are hereby made a corporation by the name of the Southbridge and Palmer Railroad Company, with all the powers and privileges, and subject to all the liabilities, restrictions and duties, set forth

Corporators.

Name.

Powers and duties.

in the sixty-third and sixty-eighth chapters of the General Statutes of this Commonwealth.

Location.



SECTION 2. Said company is hereby authorized and empowered to construct a railroad, with one or more tracks, from some point in the town of Southbridge near the Hamilton Woollen Mills, connecting there with the Southern Midland Railroad; thence through the towns of Southbridge, Sturbridge, Brimfield and Monson, to some convenient point of junction with the Western Railroad, in the town of Palmer, and connecting therewith, not interfering with the depot arrangements or depot grounds at said Palmer.

Capital stock and shares.

SECTION 3. The capital stock of said company shall consist of not more than six thousand and five hundred shares, the par value of which shall be one hundred dollars each, the number of which shall be fixed and determined, from time to time, by the stockholders; provided that they fix and determine not less than five thousand shares in all. Said company may purchase and hold such real and personal estate as may be necessary for the purpose for which it is incorporated.

Real and personal estate.

May cross certain tracks.

SECTION 4. Said corporation is hereby authorized to cross with its railroad at grade the two streets at Globe Village, in Southbridge, the highway near Blanchard's Mills, so called, in Palmer, and also the road about one-fourth of a mile easterly of Palmer Station, on the Western Railroad.

When to be located and constructed.

SECTION 5. This act shall be void unless the said railroad is located within two years, and constructed within four years from the passage of this act.

SECTION 6. This act shall take effect upon its passage.

Approved April 14, 1863.

[1863, 149.]

Chap. 153

AN ACT in addition to an Act to establish the City of New Bedford.

Be it enacted, &c., as follows:

City continued a body politic.

SECTION 1. The inhabitants of the city of New Bedford shall continue to be a body politic and corporate, under the name of the city of New Bedford, and as such shall have, exercise and enjoy, all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations, now incumbent upon and appertaining to said city as a municipal corporation.

Powers and duties.

Government: mayor, aldermen and council.

SECTION 2. The administration of the fiscal, prudential and municipal affairs of said city, and the government thereof, shall be vested in one principal officer, to be styled

the mayor ; one council of six, to be denominated the board of aldermen ; and one council of twenty-four, to be denominated the common council ; which boards, in their joint capacity, shall be denominated the city council, and the members thereof shall be sworn to the faithful performance of the duties of their respective offices. A majority of each board shall constitute a quorum for the transaction of business ; and no member of either board shall receive any compensation for his services.

Quorum.

Members to serve without compensation.

SECTION 3. The meetings of the citizens for the election of municipal officers shall be held on the first Monday of December, annually ; and the said officers so chosen shall hereafter enter upon the duties of their respective offices on the first Monday of January, annually, and shall hold their said offices for the term of one year thereafter, and until others are chosen and qualified in their stead, except the assessor at large and the members of the school committee, who shall severally hold their respective offices for three years from the first Monday of January succeeding their election.

Election of city officers.

Tenure of office.

SECTION 4. It shall be the duty of the city council, and they are empowered during the year eighteen hundred and sixty-five, and in every tenth year thereafter, to cause a new division of the city to be made into six wards, in such manner as to include an equal number of voters in each ward as nearly as conveniently may be, consistently with well defined limits to each ward ; and until such division be made, the boundary lines of the wards shall remain as now established.

Division into wards.

SECTION 5. On the first Monday in December, annually, there shall be chosen by ballot, in each of the wards of the city of New Bedford, a warden, clerk, and three inspectors of elections, who shall be different persons, residents of the ward in which they are chosen, whose term of office shall commence on the first Monday in January next ensuing, and they shall hold their offices for one year thereafter, and until others have been chosen and qualified in their stead ; and the warden, clerk and inspectors, before entering upon their duties, shall, respectively, make oath faithfully and impartially to discharge their several duties, relative to all elections ; which oath may be administered by the city clerk to the warden, and by the warden to the ward clerk or inspectors, or to either or all of said officers, by any justice of the peace for the county of Bristol. A certificate that said oath has been taken shall be entered upon the records of the ward by the clerk thereof.

Election of ward officers.

Oaths, how administered.

Warden, duties of.

It shall be the duty of such warden to preside at all ward meetings, with the powers of moderator of town meetings; and if, at any such meetings, the warden shall be absent, the clerk, and in case of the absence of the clerk, any inspector, shall preside, according to seniority of age, until a warden *pro tempore* shall be chosen.

Clerk and inspectors.

The clerk shall record all the proceedings, and certify the votes given, and deliver over to his successor in office, all such records and journals, together with all other documents and papers held by him in said capacity. It shall be the duty of the inspectors of elections to assist the warden in receiving, sorting and counting the votes.

Warrants for meetings, how issued, &c.

All warrants for the meetings of the citizens for municipal purposes, to be held either in wards or in general meetings, shall be issued by the mayor and aldermen, and shall be in such form, and shall be served, executed and returned, at such time, and in such manner as the city council may, by any by-law, direct.

Election of mayor, aldermen and councilmen.

SECTION 6. The mayor and six aldermen, one alderman being selected from each ward, shall be elected by the qualified voters of the city at large, voting in their respective wards; and four common councilmen shall be elected from and by the voters of each ward, being residents in the wards when elected: all said officers shall be chosen by ballot.

Proceedings at elections.

SECTION 7. On the first Monday in December, annually, the qualified voters in each ward shall give in their votes for mayor, aldermen and common councilmen as provided in the preceding section: all the votes so given, shall be assorted, counted, declared and registered, in open ward meeting, by causing the names of persons voted for, and the number of votes given for each, to be written in the ward record at length: the clerk of the ward, within twenty-four hours after such election, shall deliver to the persons elected members of the common council, certificates of their election, signed by the warden and clerk and by a majority of the inspectors of elections, and shall deliver to the city clerk, a copy of the records of such election, certified in like manner: *provided, however*, that if the choice of members of the common council shall not be effected on that day, the meeting may be adjourned from time to time to complete such election.

Certificates.

Proviso.

Returns to be examined and mayor elect notified.

SECTION 8. The board of aldermen shall, as soon as conveniently may be, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who shall have been elected mayor, to be notified in writing of his election; but if it shall appear that no person

has received a plurality of the votes, or if the person elected shall refuse to accept the office, the board shall issue its warrants for a new election, and the same proceedings shall be had in all respects, as are herein before provided for the choice of mayor, and repeated from time to time until a mayor shall be chosen.

Proceedings in case of failure to elect or refusal to serve.

SECTION 9. After the organization of the city government and the qualification of a mayor, and when a quorum of the board of aldermen shall be present, said board, the mayor presiding, shall proceed to choose a permanent chairman, who shall, in the absence of the mayor, preside at all meetings of the board, and at conventions of the two branches; and, in case of any vacancy in the office of mayor, for any cause, he shall exercise all the powers, and perform all the duties of the said office, as long as such vacancy shall continue; and he shall always have a vote in the board.

Chairman board of aldermen to be chosen.

In case of the decease or resignation of the mayor, or of his inability to perform the duties of his office, the boards of aldermen and common council shall, respectively, by vote, declare that a vacancy exists, and the cause thereof; whereupon the two boards shall meet in convention, and elect a mayor to fill such vacancy; and the mayor, thus elected, shall hold his office until the inability causing the vacancy shall be removed, or until a new election.

Vacancy in office of mayor, how filled.

If it shall appear that the whole number of aldermen have not been elected, the proceedings shall be had as are herein before provided in regard to the office of mayor. Each alderman shall be notified in writing, of his election, by the mayor and aldermen for the time being.

Vacancies in board of aldermen.

The oaths prescribed by this act may be administered to the mayor by the city clerk, or by any justice of the peace for the county of Bristol.

Oath of mayor.

The aldermen and common councilmen elect shall, on the first Monday of January, at ten o'clock in the forenoon, meet in convention, when the oath required by this act shall be administered to the members of the two boards present, by the mayor, or by any justice of the peace for the county of Bristol; and a certificate, setting forth that such oath has been taken, shall be entered in the journals of the mayor and aldermen and of the common council, by their respective clerks.

Convention of members elect for purpose of organization.

Whenever it shall appear that a mayor has not been elected previously to the said first Monday of January, the mayor and aldermen, for the time being, shall make a record of that fact, an attested copy of which the city clerk shall read at the opening of the convention, to be held as aforesaid, on the first Monday of January.

Proceedings in case of failure to elect mayor.

**Common council,
organization.**

**Absence of mayor
elect.**

Records, &c.

Duties of mayor.

After the oaths have been administered, as aforesaid, the two branches shall separate, and the common council shall be organized by the choice of a president and clerk, to hold their offices during the pleasure of the common council; the clerk to be under oath faithfully to perform the duties of his office. In case of the absence of the mayor elect, on the first Monday of January, the city government shall organize itself in the manner herein before provided, and may proceed to business in the same manner as if the mayor were present; and the oath of office may at any time thereafter, in convention of the two branches, be administered to the mayor, and any member of the city council who may have been absent at the organization. Each board shall keep a record of its own proceedings, and judge of the election of its own members.

SECTION 10. The mayor shall be the chief executive officer of the city: it shall be his duty to be vigilant and active in causing the laws to be enforced, and to keep a general supervision over the conduct of all subordinate officers; and he may, whenever the public good may require, remove, with the consent of the appointing power, any officer over whose appointment he has, in accordance with the provisions of this charter, exercised the power of nomination.

He may call special meetings of the board of alderman and common council, or either of them, when, in his opinion, the interests of the city require it, by causing notices to be left at the usual dwelling-place of each member of the board or boards to be convened.

He shall, from time to time, communicate to both boards such information, and recommend such measures, as the business and interests of the city may, in his opinion, require.

The mayor when present, shall preside in the board of aldermen, and in convention of the two branches, but shall have a casting vote only.

Salary of mayor.

The mayor shall be compensated for his services by a salary to be fixed by the city council, payable at stated periods, which salary shall not exceed the sum of fifteen hundred dollars annually; and he shall receive no other compensation: but such compensation shall not be increased or diminished during the year for which he is chosen.

Executive power.

SECTION 11. The executive power of said city, generally, and the administration of police shall be vested in the mayor and aldermen, as fully as if the same were herein specially enumerated.

The mayor and aldermen may require any person who may be appointed a marshal or constable of the city to give bonds, with such security and to such amount as they may deem reasonable and proper; upon which bonds the like proceedings and remedies may be had as are by law provided in case of constables' bonds required by the selectmen of towns in this Commonwealth.

Bonds may be required of constables by mayor and aldermen.

All sittings of the mayor and aldermen (when they are not engaged in executive business,) and of the city council and common council shall be public.

Sittings to be public.

SECTION 12. The city council shall annually, as soon after their organization as may be convenient, elect by joint ballot, in convention, a city marshal and assistants, and constables, who shall hold their offices until others are chosen and qualified in their stead; and all other needful police officers, who shall hold office for such time as the city council shall, by standing ordinance, prescribe: *provided, however,* that no person shall be chosen a marshal or constable, or to any other office in the department of police of the city, who shall not have been nominated to the city council by the mayor.

Police officers, &c., how chosen.

Proviso.

The city council shall in such manner as their by-laws shall prescribe, appoint or elect all subordinate officers, (whose appointment or election is not otherwise provided for) for the ensuing year.

The city council shall in the month of April, annually, elect by joint ballot in convention a city clerk, and a city treasurer who shall be also collector of taxes for the ensuing year; and shall define the duties and compensation of all officers so appointed or elected by them, when such duties and compensation shall not be defined and fixed by the laws of this Commonwealth.

City clerk and treasurer, election and duties.

In case of a vacancy in any of said offices, the same shall be filled in the manner prescribed in this section.

The city council shall take care that no money be paid from the treasury unless granted or appropriated; shall secure a just and prompt accountability, by requiring bonds, with sufficient penalties and sureties from all persons intrusted with the receipt, custody or disbursement of money; shall have the care and superintendence of the city buildings, and the custody and management of all city property, with the power to let or sell what may be legally sold; and to purchase property, real or personal, in the name and for the use of the city, whenever the interest or convenience of the inhabitants may, in their judgment, require it.

Money and property of city, duties of council concerning.

The city council shall, as often as once in a year, cause to be published, for the use of the inhabitants, a particular account of the receipts and expenditures, and a schedule of the city property and the city debts.

Aldermen and councilmen ineligible for appointment to salaried office.

SECTION 13. No person shall be eligible to any office, (except the mayoralty,) the salary of which is payable from the city treasury, who, at the time of his appointment, shall be a member either of the board of aldermen or common council, and no member of either of these boards shall hold any other office under the city government.

City clerk, qualification, duties and tenure of office.

SECTION 14. The city clerk shall be clerk of the board of aldermen, and shall be sworn to the faithful performance of his duties; he shall perform such duties as shall be prescribed by the board of aldermen, and shall perform all the duties, and exercise all the powers, by law incumbent upon, or vested in clerks of towns: he shall be chosen for one year and until another is chosen and qualified in his place, but may be at any time removed by the city council; he shall deliver to his successor in office, as soon as chosen and qualified, all journals, records, record-books, papers, documents, and other things held by him in his capacity as city clerk.

Overseers of poor.

SECTION 15. The qualified voters, at their respective annual ward meetings, shall elect, by ballot, one person in each ward, who shall be a resident of the ward, to be an overseer of the poor; and the persons thus chosen shall, with the mayor of the city, constitute the board of overseers of the poor, and shall have all the powers, and be subject to all the duties appertaining to overseers of the poor for towns.

School committee

SECTION 16. The qualified voters, at their respective annual ward meetings, shall elect, by ballot, one person in each ward, who shall be a resident of the ward, to be a member of the school committee, who shall hold his office for three years; and the persons thus chosen, with those whose terms of office have not expired, shall constitute the school committee, and have the care and superintendence of the public schools.

Assessors.

SECTION 17. The qualified voters of the city, at the annual meetings in their respective wards, shall elect, by ballot, one person to be an assessor at large, who shall hold his office for three years, and until another is chosen and qualified in his stead: and the person thus chosen assessor at large, with those whose terms of office have not expired, shall constitute the board of assessors, and shall exercise all the powers, and be subject to all the duties and liabilities of assessors of towns.

In case of a vacancy in the board of assessors, the city council in convention shall elect, by ballot, a person to fill the same, who shall hold office until the next annual meeting for the choice of municipal officers, and until another person shall be chosen and qualified in his stead; and at said annual meeting a person shall be elected to said office, who shall hold the same for the residue of the unexpired term.

Vacancy in board

The qualified voters shall, at the same time, and in like manner, elect one person in each ward, who shall be a resident of the ward, to be an assistant-assessor, who shall hold his office for one year, and until another is chosen in his stead: and it shall be the duty of the persons so chosen, to furnish the assessors with all such information as they may require, relative to the persons and property taxable in their respective wards; and they shall receive for their services such compensation *per diem*, as the city council may determine.

Assistant-assessors.

All taxes shall be assessed, apportioned and collected, in the manner prescribed by the laws of the Commonwealth: *provided, however*, that the city council may establish further or additional provisions for the collection thereof.

Taxes, how assessed.

SECTION 18. The city council shall have the same power in relation to the acceptance, altering, or discontinuing of streets and ways, and the assessment of damages, which selectmen and inhabitants of towns now by law have; but all petitions and questions relating to laying out, widening, altering or discontinuing any street or way, shall be first acted on by the mayor and aldermen.

Streets and ways, powers of council over defined.

Any person aggrieved by any proceedings of the mayor and aldermen, or city council, in the exercise of such powers, shall have the same right of appeal, to the county commissioners of the county of Bristol, as are given by the laws of the Commonwealth to appeal from the decisions of selectmen or the inhabitants of towns.

Aggrieved party may have redress.

SECTION 19. All the power and authority, by law vested in the board of health for towns, shall be vested in the city council, to be carried into execution by the appointment of health commissioners, or in such manner as the city council may deem expedient.

Health officers, council may appoint.

SECTION 20. The city council shall have authority to cause drains and common sewers to be laid through any streets or private lands, paying the owners such damage as they may sustain thereby, and to require all persons to pay a reasonable sum for the privilege of opening any drain into said public drains or common sewers, and may make by-

Drains and sewers.

laws with suitable penalties for the inspection, survey, admeasurement and sale of wood, coal and bark brought into the city for sale.

Police court,
jurisdiction of,
under by-laws.

SECTION 21. The police court of New Bedford shall have cognizance of all offences against the by-laws and regulations which may be established by the city council of the city of New Bedford, and may, on conviction thereof, award such sentence as to law and justice may appertain.

Appeals allowed.

Any person aggrieved by such sentence, may make appeal therefrom to the superior court for the county of Bristol, under the restrictions and conditions provided by law in other cases of appeal from said court.

Complaints be-
fore court.

In all prosecutions by complaint before the said police court founded on the special acts of the legislature, or the ordinances and by-laws of the city of New Bedford, it shall be sufficient to set forth in such complaint, the offence fully and plainly, substantially and formally; and in such complaint, it shall not be necessary to set forth such special act, by-law, or ordinance, or any part thereof.

Election of coun-
ty, state and fed-
eral officers.

SECTION 22. All elections for county, state, and United States officers who are voted for by the people, shall be held at meetings of the citizens qualified to vote in such elections, in their respective wards, at the time fixed by law for these elections respectively; and at such meetings, all the votes given for said several officers respectively, shall be assorted, counted, declared and registered in open ward meeting, by causing the names of all persons voted for, and the number of votes given for each, to be written in the ward record, at length; and the ward clerk shall forthwith deliver to the city clerk a certified copy of the record of such elections. The city clerk shall forthwith record such returns, and the mayor and aldermen shall, within two days after every such election, examine and compare all said returns, and make out a certificate of the result of such elections, to be signed by the mayor and a majority of the aldermen, and also by the city clerk, which shall be transmitted or delivered in the same manner as similar returns are by law directed to be made by selectmen of towns.

Records and
returns.

Representatives
to general court.

In all elections for representatives to the general court, in case the whole number proposed to be elected shall not be chosen, the mayor and aldermen shall forthwith issue their warrants for a new election, conformably to the provisions of the constitution and laws of the Commonwealth.

Lists of voters,
mayor and alder-
men to cause to
be made prior to
each election, and

SECTION 23. Prior to every election, the mayor and aldermen shall make out lists of all the citizens of each ward qualified to vote in such elections, in the manner in which

selectmen of towns are required to make out lists of voters ; and for that purpose, they shall have full access to the assessors' books and lists, and be empowered to call for the assistance of all assessors, assistant-assessors, and other city officers ; and they shall deliver said lists, so prepared and corrected, to the clerks of the several wards, to be used at such elections ; and no person shall be entitled to vote whose name is not borne on such list : and in relation to the preparation, posting and correction of such lists, the mayor and aldermen shall perform the same duties and be governed by the same regulations as are provided in the sixth chapter of the General Statutes, to be observed by the selectmen of towns : *provided, however*, that a list of the voters of each ward shall be posted up in one or more public places in each ward ; and *provided, further*, that any person whose name shall not be borne on the list of the ward in which he is entitled to vote, when it shall be placed in the hands of the clerk of said ward, shall have the right to have his name entered thereon at any time thereafter, before the closing of the polls, upon presenting to the ward officers a certificate signed by the mayor or city clerk, setting forth his right to have his name thus entered.

delivered to ward clerks.

General Statutes to apply.

Proviso.

SECTION 24. General meetings of the citizens qualified to vote, may, from time to time, be held, to consult upon the public good, to instruct representatives, and to take all lawful measures to obtain redress of any grievances, according to the right secured to the people by the constitution of the Commonwealth ; and such meetings may and shall be duly warned by the mayor and aldermen, upon the requisition of thirty qualified voters.

Meetings of citizens, how warned

SECTION 25. The city council shall have power to make all such salutary and needful by-laws as towns, by the laws of this Commonwealth have power to make and establish, and to annex penalties, not exceeding twenty dollars for the breach thereof ; which by-laws shall take effect, and be in force, from and after the time therein respectively limited, without the sanction of any court or other authority whatever ; and all such by-laws, and all city ordinances, shall be duly published in such newspapers as the city council shall direct : *provided, however*, that all by-laws, regulations and ordinances now in force in the city of New Bedford shall, until they expire by their own limitation, or be revised or repealed by the city council, remain in force ; and all fines and forfeitures for the breach of any by-law or ordinance of the city, shall be paid into the city treasury.

By-laws, council may establish and annex penalties.

Proviso.

Forfeitures.

Act subject to amendment.

SECTION 26. Nothing contained in this act shall be so construed as to prevent the legislature from altering or amending the same, whenever it shall deem it expedient.

Repeal.

SECTION 27. All acts and parts of acts inconsistent with this act, are hereby repealed.

Act void unless accepted.

SECTION 28. This act shall be void unless the city council of New Bedford shall, by a concurrent vote of the two branches, voting by yea and nay, within sixty days adopt the same.

SECTION 29. This act shall take effect upon its passage.

Approved April 15, 1863.

[1863, 163; 1868, 52, 228.]

Chap. 159 AN ACT authorizing the Removal of certain Indians to the State Almshouses.

Be it enacted, &c., as follows :

Guardians and agents to act, with approval of alien commissioners.

Guardians and agents of the several tribes of Indians in this Commonwealth, are authorized to send such Indians to the state almshouses as they may deem the interest of the state and the welfare of said Indians require; first obtaining a permit from one of the alien commissioners.

Approved April 17, 1863.

[1811, 56.]

Chap. 160 AN ACT concerning the Removal of Gates from the Roads in the Town of Hull.

Be it enacted, &c., as follows :

Maintenance of gates prohibited.

SECTION 1. No person or corporation shall have the right to erect, keep or maintain any gate across any town way or highway in the town of Hull, and so much of the provisions of chapter fifty-six of the special laws, passed on the twenty-second day of June, in the year eighteen hundred and eleven, as authorizes the erection and maintenance of any such gates, is hereby repealed: and the selectmen of said town shall forthwith remove any such gate now standing upon any highway or town way in said town.

Selectmen may remove gates.

Damages may be assessed.

SECTION 2. Any person or corporation sustaining damages by this act, may have their damages assessed and paid, in the same manner in all respects as is now provided for the assessment and payment of damages for the taking of land for a highway.

Approved April 17, 1863.

Chap. 161 AN ACT to confirm certain Acts done by Watson Goward, as a Justice of the Peace.

Be it enacted &c., as follows :

Acts as justice of the peace confirmed.

SECTION 1. All acts done by Watson Goward of Newton, in the county of Middlesex, esquire, as a justice of the peace within and for the county of Suffolk, between the eighth day of May, in the year one thousand eight hundred and

sixty-two, and the thirtieth day of March, in the year one thousand eight hundred and sixty-three, be and they hereby are made valid and confirmed to the same extent as they would have been valid had he been, during that interval, duly qualified to discharge the duties of the said office.

SECTION 2. This act shall take effect upon its passage.

Approved April 17, 1863.

AN ACT to authorize S. S. Tuckwell and others to build a Wharf in South Amesbury. *Chap. 162*

Be it enacted, &c., as follows :

S. S. Tuckwell, Patten Sargent, Willis P. Sargent, and James Whitten, are hereby authorized to build a wharf opposite the land of said Tuckwell, in the village of South Amesbury, and to extend the same into Merrimack River a distance not exceeding one hundred and fifteen feet from high-water mark, and not beyond a point where the depth of water at mean low tide exceeds seven feet; with the right to lay vessels thereat, and collect for wharfage and dockage : *provided*, that this grant shall not effect the legal rights of any person.

May build wharf
in Amesbury.

Approved April 17, 1863.

[1863, 149, 153.]

AN ACT for supplying the City of New Bedford with Pure Water.

Chap. 163

Be it enacted, &c., as follows :

SECTION 1. The city of New Bedford is hereby authorized to take, hold and convey by steam or other power, to, into and through the said city, by suitable aqueducts or pipes, the waters of the Acushnet River, and the waters which flow into and from the same, and may also take and hold, by purchase or otherwise, any land, real estate or water rights, necessary for erecting, laying and maintaining, and may erect, lay and maintain, such aqueducts, pipes, dams, gates, pumps, bridges, reservoirs, embankments, water-ways, drains, or other structures, as may be necessary or convenient to insure the purity of the said waters, or to convey said waters into and for the use of the said city of New Bedford : *provided*, that in the event of the construction of a dam across said River Acushnet, it shall not be located south of a line drawn east and west from the northerly line of buildings now occupied by the New Bedford Copper Company, or north of a line drawn east and west from the southerly line of the town of Acushnet, within the tide-waters of said river, but at any point north of tide-water in said river; nor in such a manner as to prevent the passage of vessels through the same.

May supply water
from Acushnet
River.

Dam across
Acushnet River.

May lay pipes and regulate use of, and of water.

May construct aqueducts.

Commissioners to superintend shall be chosen, subject to ordinances of city council.

Tenure of office.

Vacancy, how filled.

Quorum.

Quarterly report.

Compensation of commissioners.

SECTION 2. For the purposes of distribution, the city may lay down pipes to any house or building in said city, the owner or owners thereof having notice and not objecting thereto; and may make and establish public hydrants, in such places as may from time to time be deemed proper, and prescribe the purposes for which they may be used, and may change or discontinue the same; may regulate the use of the water within and without the said city, and establish the price or rents to be paid for the uses thereof. And the said city may, for the purposes aforesaid, carry and conduct any aqueducts or other works, by them to be made or constructed, over or under any water-course, or any street, turnpike road, highway, or other way, in such manner as not to obstruct or impede travel thereon, or the free flow of the water therein.

SECTION 3. Three commissioners shall be chosen by the city council in convention, who shall, during their continuance in office, superintend and direct the execution and performance of all the works, matters and things mentioned in the preceding sections, which are not otherwise specially provided for in this act; they shall be subject to such ordinances, rules and regulations, in the execution of their said trust, as the city council may from time to time ordain and establish, not inconsistent with the provisions of this act, and the laws of this Commonwealth; they shall respectively hold their said office for the term of two years next after their said appointment, unless the aqueducts and works aforesaid shall be sooner completed; but they or either of them, after having had an opportunity to be heard in his or their defence, may be removed at any time by a concurrent vote of two-thirds of the whole number of each branch of the city council; and in case of a vacancy in the board of commissioners, by death, resignation or removal, such vacancy shall be filled by the choice of another commissioner in manner aforesaid, who shall hold his said office for the residue of the said term of two years, with all the powers and subject to all the restrictions aforesaid. A major part of said commissioners shall be a quorum for the exercise of the powers, and the performance of the duties of the said office; they shall, once in every three months, and whenever required by the city council, make and present, in writing, a particular report and statement of all their acts and proceedings, and of the condition and progress of the works aforesaid.

SECTION 4. Before the choice of the commissioners aforesaid, the city council shall establish and fix the salaries or

compensation to be paid to the commissioners for their services. And the said salaries of the said commissioners so established, and fixed as aforesaid, shall not be reduced during their continuance in said office, respectively.

SECTION 5. Whenever the said office of commissioners shall cease, either by the expiration of the said term of two years from the original appointment, or by the completion of the aqueduct and works mentioned in the preceding sections of this act, all the rights, power and authority given to the city of New Bedford by this act, shall be exercised by the said city, subject to all the duties, liabilities and restrictions herein contained, in such manner and by such agents as the city council shall from time to time ordain, appoint and direct.

Upon expiration of commission, powers to vest in city council.

SECTION 6. The said city of New Bedford shall be liable to pay all damages that shall be sustained by any persons in their property by the taking of any land, water or water-rights, or by the constructing of any dams, aqueducts, reservoirs or other works, for the purposes of this act. And if the owner of any land, water, or water-rights, which shall be taken as aforesaid, or other person who shall sustain damage as aforesaid, shall not agree upon the damage to be paid therefor, he may apply by petition, for the assessment of his damages at any time within three years from the taking of said land, water or water-rights, or sustaining damage as aforesaid, and not afterwards, to the superior court in the county in which the same are situate, unless sooner barred, as provided in the seventh section of this act; such petition may be filed in the clerk's office of said court, in vacation or in term time, and the clerk shall thereupon issue a summons to the city of New Bedford, returnable, if issued in vacation, to the then next term of said court, and if in term time, returnable on such day as the court shall order, to appear and answer to the said petition: the said summons shall be served fourteen days at least before the return day thereof, by leaving a copy thereof, and of the said petition, certified by the officer who shall serve the same, with the mayor or clerk of said city; and the said court may, upon default or hearing of the said city, appoint three disinterested freeholders of this Commonwealth, who shall, after reasonable notice to the parties, assess the damages, if any, which such petitioner may have sustained as aforesaid; and the award of the said freeholders, or of the major part of them, being returned into and accepted by the said court, shall be final, and judgment shall be rendered and execution issued thereon for the pre-

City liable for damages.

Aggrieved party may apply for adjustment to superior court.

Petition and summons.

Court may appoint three freeholders to assess damages.

Award to be final unless, &c.

vailing party, with costs, unless one of the said parties shall claim a trial by jury, as hereinafter provided.

City may commence proceedings in certain cases.

SECTION 7. Whenever any damages shall have been sustained by any persons as set forth in the sixth section of this act, and such persons shall neglect to institute proceedings against the city of New Bedford according to the provisions of this act, for the space of twelve months, it shall be lawful for the city of New Bedford to commence such proceedings, which shall go on and be determined in the same manner as if commenced by the persons who shall have sustained such damage; and if such persons, on receiving due notice, shall not come in and prosecute the proceedings so instituted, judgment shall be entered against them, without costs, and they shall be forever barred from recovering any damages under this act.

Party dissatisfied with award, may have jury.

SECTION 8. If either of the parties mentioned in the sixth section shall be dissatisfied with the amount of damages awarded as therein expressed, such party may, at the term at which such award was accepted, or the next term thereafter, claim, in writing, a trial in said court, and have a jury to hear and determine at the bar of said court, all questions of fact relating to such damages, and to assess the amount thereof; and the verdict of such jury being accepted and recorded by the said court, shall be final and conclusive, and judgment shall be rendered and execution issued thereon, and costs shall be recovered by the said parties respectively, in the same manner as is provided by law, in respect to proceedings relating to the laying out of highways.

Verdict to be final.

Application for assessment of damages.

SECTION 9. No application shall be made to the court for the assessment of damages for the taking of any water-rights, until the water shall be actually withdrawn or diverted by the said city under the authority of this act.

Adjustment of damages and costs, and suspension of proceedings.

SECTION 10. In every case of a petition to the superior court for the assessment of damages, as provided in the sixth, seventh, eighth and ninth sections of this act, the city of New Bedford, by any of its officers, may tender to the complainant or his attorney any sum that they shall think proper, or may bring the same into court to be paid to the complainant for the damages by him incurred, or claimed in his petition; and if the complainant shall not accept the same with his costs up to that time, but shall proceed in the suit, he shall be entitled to his costs up to the time of the tender, or such payment into court, and not afterward; and the said city shall be entitled to recover its costs afterward, unless the complainant shall recover greater damages than were so offered.

SECTION 11. For the purpose of defraying all the costs and expenses of such lands, estates, water and water-rights, as shall be taken, purchased or held, for the purposes mentioned in this act, and of constructing all aqueducts and works necessary and proper for the accomplishment of the said purposes, and all expenses incident thereto, heretofore incurred, or that may be hereafter incurred, the city council shall have authority to issue, from time to time, scrip, notes or certificates of debt, to be denominated on the face thereof, "Water Bonds of the City of New Bedford," to an amount not exceeding five hundred thousand dollars, bearing interest at a rate not exceeding the legal rate of interest in this Commonwealth, which shall be redeemable at a period of time not less than ten nor more than fifty years from and after the issue of said scrip, notes or certificates, respectively; and the said city council may sell the same, or any part thereof, from time to time, at public or private sale, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as the said city council shall judge proper; and the said city council may, for the purpose of meeting payments of such interest as may accrue upon any certificate of debt, make such further issue of scrip, notes or certificates of debt, as may be necessary therefor.

"Water bonds" may be issued to meet expenditures.

Not to exceed \$500,000.

SECTION 12. The city council may, from time to time, pass such by-laws and ordinances as they may deem proper for the preservation and protection of all or any of the works connected with the supplying of the city of New Bedford with pure and wholesome water, under and by virtue of this act: *provided*, such by-laws and ordinances are not inconsistent with any laws of this Commonwealth, or with the constitution thereof, subject at any time to be repealed or modified by the legislature; and may, also, organize a department, with full powers for the management of such works and the distribution of the said water.

City council may pass ordinances for preservation of works.

Proviso.

SECTION 13. The city council shall, from time to time, regulate the price or rent for the use of the water, with a view to the payment, from the net income and receipts, not only of the semi-annual interest, but ultimately of the principal of said debt, so contracted, so far as the same may be practicable and reasonable. And the occupant of any tenement shall be liable for the payment of the price or rent for the use of the water in such tenement; and the owner thereof shall also be liable, if, on being notified of such use, he does not object thereto; and if any person or persons shall use any of the said water, either within or

Water rates, council may regulate.

Liabilities of landlord and tenant. Use of water without consent, action for damages allowed.

without the said city, without the consent of the city, an action of tort may be maintained against him or them for the recovery of damages therefor.

Liability for
diverting or cor-
rupting water, or
injuring works.

SECTION 14. If any person or persons shall wilfully or maliciously divert the water or any part thereof, of any of the ponds, streams or water sources, which shall be taken by the city, pursuant to the provisions of this act, or shall corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other property, held, owned or used by the said city, by the authority, and for the purposes of this act, such person or persons shall forfeit and pay to the said city, three times the amount of the damages that shall be assessed therefor, to be recovered by any proper action. And such person or persons may, moreover, on indictment and conviction of either of the wilful and malicious acts aforesaid, be punished by fine not exceeding one thousand dollars and imprisonment not exceeding one year.

Further liability
upon conviction.

Act to be accept-
ed within one
year.

SECTION 15. The provisions of this act shall be void, unless submitted to, and approved by, the voters of the city of New Bedford, at meetings held simultaneously, for the purpose, in the several wards, within one year from the passage of this act upon notice duly given, at least seven days before the time of holding said meetings.

Approved April 18, 1863.

[1863, 52, 223.]

Chap. 166

AN ACT to provide for the reception of a Grant of Congress, and to create a Fund for the promotion of Education in Agriculture and the Mechanic Arts.

Be it enacted, &c., as follows:

Commonwealth
accept grant of
U. S.

SECTION 1. The Commonwealth of Massachusetts hereby accepts the grant offered to it by the United States, as set forth and defined in the act of congress, entitled "An Act donating public lands to the several states and territories which may provide colleges for the benefit of agriculture and the mechanic arts," said act being chapter one hundred and thirty of the statutes of the United States, passed at the second session of the thirty-seventh congress, and approved by the president July second, in the year eighteen hundred and sixty-two, upon the terms and conditions contained and set forth in said act of congress; and the governor of the Commonwealth is hereby authorized and instructed to give due notice thereof, to the government of the United States.

Governor to give
notice thereof.

To receive land
scrip when is-
sued.

SECTION 2. The governor is hereby authorized and instructed to receive, by himself or his order, from the secretary of the interior, or any other person authorized to issue the

same, all the land scrip to which this Commonwealth may be entitled by the provisions of the before-mentioned act of congress.

SECTION 3. The governor, with the advice and consent of the council, is hereby authorized and instructed to appoint a commissioner, whose duty it shall be to locate, without unnecessary delay, all the land scrip which may come into the possession of the Commonwealth by virtue of this act, and to sell the same from time to time, on such terms as the governor and council shall determine. Said commissioner shall give a bond, with sufficient sureties, in the penal sum of fifty thousand dollars, to be approved by the governor and council, that he will faithfully perform the duties of his office, and shall render full and accurate returns to them, at the end of every six months, or oftener if required to do so by them, of his proceedings under this act. The compensation of said commissioner shall be fixed by the governor and council, and shall be paid out of the treasury of the Commonwealth, and the governor is hereby authorized to draw his warrants therefor.

To appoint commissioner to locate scrip.

Commissioner to give bond and return doings semi-annually, or when required.

Compensation.

SECTION 4. All moneys received by virtue of this act, for the sale of land scrip, shall be immediately deposited with the treasurer of the Commonwealth, who shall invest and hold the same in accordance with the fourth section of the afore-mentioned act of congress. The moneys so invested shall constitute a perpetual fund, to be entitled the Fund for the Promotion of Education in Agriculture and the Mechanic Arts, which shall be appropriated and used in such manner as the legislature shall prescribe, and in accordance with the said act of congress.

Moneys received for scrip to be paid treasurer, and invested.

Perpetual fund.

SECTION 5. This act shall take effect upon its passage.

Approved April 18, 1863.

AN ACT to incorporate the Hibernian Benevolent Society of Boston. *Chap. 168*

Be it enacted, &c., as follows:

SECTION 1. Michael Doherty, Nicholas J. Bean, Neil O. Donnell, their associates and successors, are hereby made a corporation by the name of the Hibernian Benevolent Society, in the city of Boston, for the purpose of benefiting the condition of their members in time of sickness, and by other charitable assistance; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may take and hold real estate, not exceeding twenty-five thousand dollars, and per-

Real and personal estate.

sonal property not exceeding ten thousand dollars, for the purposes aforesaid.

SECTION 3. This act shall take effect upon its passage.

Approved April 21, 1863.

Chap. 169

AN ACT to incorporate the Boston and Fairhaven Iron Works.

Be it enacted, &c., as follows :

Corporators.

Name and purpose.

Powers and duties.

Capital stock and real estate.

Shares not to be issued at less than par value.

SECTION 1. F. R. Whitwell, junior, Bartholomew Taber and W. G. Robinson, their associates and successors, are hereby made a corporation by the name of the Boston and Fairhaven Iron Works, located in the town of Fairhaven, for the purpose of manufacturing wrought and cast-iron; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the sixtieth and sixty-eighth chapters of the General Statutes, and all acts passed subsequently thereto, relating to manufacturing corporations.

SECTION 2. The said corporation may hold for the purposes aforesaid, real estate to the amount of fifty thousand dollars, and the whole capital stock of said corporation shall not exceed one hundred thousand dollars, in shares of one hundred dollars each; and no shares of said corporation shall be issued for a less sum to be actually paid in on each, than the par value of the shares which shall first be issued.

SECTION 3. This act shall take effect upon its passage.

Approved April 21, 1863.

[1864, 129.]

Chap. 170

AN ACT to incorporate the Melrose and South Reading Horse Railroad Company.

Be it enacted, &c., as follows :

Corporators.

Name.

Location.

May intersect with Malden and Melrose Railroad, with its assent.

May use highways as determined by selectmen.

SECTION 1. Lorin L. Fuller, Samuel Rice, Henry A. Norris, their associates and successors, are hereby made a corporation by the name of the Melrose and South Reading Horse Railroad Company, with power to construct, maintain and use a railroad, with convenient single or double tracks, from such point or points of intersection in Malden, in the county of Middlesex, with the railroad of the Malden and Melrose Railroad Company, as may be fixed by the selectmen of said town of Malden, with the assent of said corporation in writing expressed, and filed with said selectmen, and upon and over such of the streets and highways of said town, as may be from time to time fixed and determined by said selectmen, with the written assent of said corporation, filed as aforesaid; thence upon and over such of the streets and highways of the town of Melrose, as may be from time to time fixed and determined by the selectmen of said town

of Melrose, with the written assent of said corporation, filed as aforesaid; thence over and upon such of the streets and highways of said town of South Reading, as may be from time to time fixed and determined by the selectmen of said town of South Reading, with the written assent of said corporation, filed as aforesaid: and the tracks of said railroad shall be laid at such distances from the sidewalks in said towns as the selectmen of said towns shall respectively, in their orders fixing the route and location of said railroad, determine. Said corporation shall have power to fix, from time to time, such rates of compensation for transporting persons and property, as they may think expedient; but the rate of passenger fare shall not exceed five cents per mile for each passenger, and no property shall be transported at such times or in such manner as to interfere in any way whatever with the transportation of passengers. Said corporation shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the sixty-third and sixty-eighth chapters of the General Statutes, and in all general laws which are or may be in force relating to horse railroad corporations.

Tracks to be laid
as selectmen
direct.

Transportation of
persons and prop-
erty, conditions
and rate of fare.

SECTION 2. The corporation hereby created may enter upon and use the tracks of the Malden and Melrose, and Middlesex Railroad Companies, in such mode, and upon such rates of compensation, as may be agreed by the parties; or in case of disagreement, such mode and rates shall be fixed by three commissioners, to be appointed by the supreme judicial court; and the said Malden and Melrose and Middlesex Railroad Companies, may in like manner and on the same terms and conditions, enter upon and use the tracks of the corporation hereby created.

May exchange
use of tracks
with Malden and
Melrose, and
Middlesex Cos.

Disagreement,
how adjusted.

SECTION 3. Said tracks or roads shall be operated and used by said corporation, with horse-power only. The selectmen of said towns shall have power at all times, to make all such regulations, as to the rate of speed and mode of use of the tracks in their respective towns, as the public convenience and safety may require.

Motive power and
rate of speed.

SECTION 4. Said corporation shall keep and maintain in repair such portion of the streets and highways respectively, as is occupied by their tracks, and shall be liable for any loss or injury, that any person sustains, by reason of any carelessness, neglect or misconduct of any of its agents and servants, in the management, construction or use of said roads or tracks; and in case any recovery is had against either of said towns, by reason of such defect or want of repair, said corporation shall be liable to pay such towns

Repairs of high-
ways.

Liabilities.

Restriction.	respectively, or either of them, any sums thus recovered against them, together with all costs and reasonable expenditures incurred by them respectively, in the defence of any such suit or suits, in which recovery is had ; and said corporation shall not use any portion of the streets or highways not occupied by said road or tracks.
Penalty for obstructing corporation.	SECTION 5. If any person shall wilfully and maliciously obstruct said corporation in the use of said road or tracks, or the passing of the cars or carriages of said corporation thereon, such person, and all who shall be aiding or abetting therein, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the common jail for a period not exceeding three months.
Obstruction by corporation.	SECTION 6. If said corporation, or its agents or servants, shall wilfully and maliciously obstruct any highway, or the passing of any carriages over the same, such corporation shall be punished by a fine not exceeding five hundred dollars.
Capital stock and shares.	SECTION 7. The capital stock of said corporation shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each.
Real estate.	SECTION 8. Said corporation shall have power to purchase and hold such real estate, within said towns, or either of them, as may be convenient or necessary for the purposes for which it is incorporated.
Construction and maintenance of road.	SECTION 9. The said road shall be constructed and maintained in such form and manner, and upon such grade, as the selectmen of said towns, respectively, in their votes fixing and determining the route and location thereof, as aforesaid, prescribe and direct ; and whenever, in the judgment of said corporation, it is necessary to alter the grade of any street so occupied by it, such alteration may be made at the sole expense of said corporation : <i>provided</i> , such alteration shall be assented to by the selectmen of the town within which the same is to be made. Notice to abutters on streets and highways, in which it is proposed to lay the tracks of said corporation, shall be given, by publishing in such newspapers as the selectmen of said towns shall determine, and also by posting in three public places in each of the towns of Malden, Melrose and South Reading, notice of the proposed location, and of the time and place of hearing thereon, fourteen days, at least, before the same shall be made.
Alterations.	
Proviso.	
Notice to abutters.	
Control of highways by towns.	SECTION 10. Nothing in this act shall be construed to prevent the selectmen of either of said towns from entering upon and taking up any of the public streets or highways

traversed by said railroad, for any purpose for which they may now lawfully take up the same.

SECTION 11. At any time after the expiration of one year from the opening for use of the tracks of said railroad, in any street or road in which the same is located, as provided by its charter, the selectmen of said towns, respectively, may determine as to so much of said tracks as is located within their respective limits, that the same, or any part thereof be discontinued; and thereupon the location shall be deemed to be revoked, and the tracks of said railroad shall forthwith be taken up and removed, in conformity with the order of said selectmen; and such taking up and removal shall be at the expense of said railroad corporation.

Discontinuance of track, selectmen may determine.

SECTION 12. The towns of Malden, Melrose and South Reading, or either of them, may at any time during the continuance of the charter of said corporation, and after the expiration of ten years from the opening of any part of said road for use, purchase of said corporation, all the franchise, property, rights and furniture of said corporation, by paying therefor such a sum as will re-imburse to each person who shall then be a stockholder therein, the par value of his stock, together with a net profit of ten per cent. per annum, from the time of the transfer of said stock to him on the books of the corporation, deducting the dividends received by said stockholder thereon; said towns having the right to purchase only that part of the corporate property, which relates to and lies within the limits of their own jurisdictions respectively, and paying therefor a proportionate sum, on the basis above mentioned, to be ascertained and fixed by commissioners to be appointed by the supreme judicial court.

Malden, Melrose and South Reading may purchase road after ten years.

SECTION 13. This act shall be void, so far as relates to the right to construct said road, in either of said towns, unless the same shall be accepted by the selectmen of such towns respectively, and unless the same shall be accepted by said corporation, and unless said road shall be constructed within two years after the passage of this act.

Acceptance of act and construction of road.

SECTION 14. Said corporation shall be subject to all existing provisions of law for the assessment and payment of damages for land outside of the streets and highways taken by them for their tracks.

Liability for land damages.

SECTION 15. This act shall take effect upon its passage.

Approved April 23, 1863.

[1864, 148, 297; 1865, 139; 1867, 273; 1868, 273.]

Chap. 172

AN ACT to incorporate the Lowell Horse Railroad Company.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Peter Lawson, Nicholas Mickel, John A. Goodwin, their associates and successors, are hereby made a

Name.

corporation, by the name of the Lowell Horse Railroad Com-

Location.

pany, with power to construct, maintain and use, a railway or railways, with convenient single or double tracks, commencing at such point in the city of Lowell, and thence upon and over such streets or highways to such point or points in said city of Lowell, as may be fixed and determined from time to time by the mayor and aldermen of said city, and assented to in writing by said corporation.

Horse-power.

SECTION 2. Said railroad shall be operated by horse-power only.

Capital stock.

SECTION 3. The capital stock of said corporation shall not exceed the sum of one hundred thousand dollars, to be divided into shares of fifty dollars each.

Real estate.

SECTION 4. Said corporation shall have power to purchase and hold such real estate within said city of Lowell, as may be necessary or convenient for the purposes and management of said railroad.

City of Lowell to determine manner of construction, &c.

SECTION 5. Said railroad shall be constructed and maintained in such form and manner, and upon such grade, as the mayor and aldermen of said city of Lowell may prescribe and direct; and whenever said corporation shall deem it necessary to alter the grade of any street so occupied by it, the assent of the mayor and aldermen to such alterations shall first be obtained, and the same shall be made at the sole expense of said corporation.

May make regulations as to rate of speed, &c.

SECTION 6. The mayor and aldermen of the city of Lowell shall have power, at all times, to make such regulations respecting the rate of speed and mode of use of said tracks as the public safety and convenience may require, and shall also have power, at any time after the expiration of one year from the opening for use of the tracks of said railroad in any of the streets or highways in which the same shall be laid, to determine that the said tracks, or any part thereof, shall be discontinued, and thereupon the location, as to such part, shall be deemed to be revoked; and such part shall be forthwith taken up and removed, in conformity to the direction of said mayor and aldermen, at the expense of said corporation. But no such discontinuance of any part of said tracks shall be made, unless after due notice by the said mayor and aldermen to said corporation of the time and place at which said corporation may be heard in relation thereto, and the opportunity for such hearing shall have been granted.

Discontinuance of road in certain cases.

SECTION 7. Said corporation shall keep and maintain in repair such portion of all streets, highways and bridges, as shall be occupied by their tracks, and shall be liable for any loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of its officers, agents or servants, in the construction, management or use of said tracks or road; and in case any recovery shall be had against said city of Lowell, by reason of any defect, want of repair, or use of said tracks or road, said corporation shall be liable to pay to said city any sum thus recovered, together with all costs and reasonable expenditures incurred by said city in the defence of any suit in which said recovery shall be had.

Repairs of highways.

Liability for neglect of agents, &c.

SECTION 8. Nothing in this act shall be construed to prevent the city authorities of said Lowell from taking up, altering or repairing, any of the public streets traversed by said railroad, for any purpose for which they may now lawfully do the same.

Control of highways by city.

SECTION 9. Said corporation, in crossing all branches and lateral tracks of any other railroad company, shall cross in such a manner as not to injure any of said tracks or branches, or the rails thereof, and shall insert no frogs therein and make no incisions into the rails thereof, without the consent of said company.

Manner of crossing tracks of other railroads.

SECTION 10. If any person shall wilfully and maliciously obstruct said corporation, or its agents, or servants in the use of said railroad and tracks, or the passing of the cars or carriages of said corporation thereon, or aid or abet in so doing, he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the common jail for a period not exceeding three months, by any court of competent jurisdiction, after due prosecution by complaint or indictment and conviction thereof. If said corporation, or its agents or servants shall wilfully and maliciously obstruct any highway, or the passing of any persons or carriages over the same, said corporation shall in like manner be punished by a fine not exceeding five hundred dollars.

Penalty for obstructing corporation.

Obstruction by corporation, how punished.

SECTION 11. The city of Lowell, at any time after the expiration of ten years from the opening of said railroad for use, may purchase of said corporation all the franchise, property, rights and furniture of said corporation, by paying therefor such a sum as will re-imburse to each person who may then be a stockholder therein, the par value of his stock, together with a net profit of ten per cent. per annum, for the time he shall have owned such stock, according to the books of said corporation, deducting all dividends received by said stockholder thereon.

City of Lowell may, after ten years, purchase franchise.

Rates of fare.

SECTION 12. Said corporation may fix, from time to time, the fare of passengers, and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes, and in all general laws which are or may be in force relating to horse railroad corporations.

Acceptance of act and construction of road.

SECTION 13. This act shall be void so far as it authorizes the said corporation to construct said railroad, unless the same shall be accepted by said corporation and by the city council of said city of Lowell, and unless said railroad shall be constructed within two years from the time of such acceptance of this act by said city council.

SECTION 14. This act shall take effect upon its passage.

Approved April 23, 1863.

[1864, 281.]

[1861, 222; 1862, 66, 166; 1863, 38, 58, 79, 122, 218.]

Chap. 176

AN ACT in aid of the Families of Drafted Men, and for other Purposes.
Be it enacted, &c., as follows :

Cities and towns may raise and expend money.

SECTION 1. Any city or town may raise money by tax or otherwise, in aid of the families and dependants of those persons who may be drafted and serve in the army of the United States, under the law passed by congress, entitled "An Act for enrolling and calling out the national forces, and for other purposes," and approved March the third, in the year one thousand eight hundred and sixty-three, in the same manner and under the same restrictions as money is raised and applied to the aid of families and dependants of volunteers, as prescribed in chapter sixty-six of the laws of the year one thousand eight hundred and sixty-two, and chapter seventy-nine of the laws of the year one thousand eight hundred and sixty-three: and the provisions of said chapter in relation to re-imbursement from the Commonwealth to the towns, shall be applicable to the aid thus furnished under the provisions of this act.

Reimbursement.

SECTION 2. This act shall take effect upon its passage.

Approved April 23, 1863.

[1864, 47; 1866, 172, 282; 1867, 136; 1868, 107, 115.]

Chap. 177

AN ACT relating to Criminal Jurisdiction in the Town of Hull.
Be it enacted, &c., as follows :

Courts in Suffolk County to have jurisdiction.

The courts in the county of Suffolk, concurrently with the courts of the county of Plymouth, shall have jurisdiction of all crimes, offences and misdemeanors, committed in those portions of the town of Hull, in the county of Plymouth, not embraced within the provisions of the tenth section of the seventeenth chapter of the General Statutes.

Approved April 23, 1863.

[1834, 166; 1853, 186; 1856, 286; 1859, 150; 1860, 67.]

AN ACT in relation to the District of Marshpee.

Chap. 183

Be it enacted, &c., as follows:

SECTION 1. The proprietors of the District of Marshpee, qualified according to law to vote in the affairs of said district, may choose annually by ballot, at a legal meeting of such proprietors called for that purpose, one of their own number, or a white person not a proprietor, to be treasurer of the district, to perform all the duties now imposed by law upon the treasurer of Marshpee and Herring Pond Plantation, so far as the same relate to the District of Marshpee; and the person so chosen shall be sworn to the faithful performance of the duties of said office, and shall give bond to the proprietors of said district, in such sum and with such sureties as the selectmen of said district for the time being shall approve.

Proprietors may choose treasurer of district.

Qualification and bonds.

SECTION 2. Upon the choice and qualification of such treasurer, the treasurer of Marshpee and Herring Pond Plantation then in office, shall transfer to him the property and effects in his hands belonging to said district; and thereupon the duties of said treasurer of Marshpee and Herring Pond Plantation, so far as they relate to the affairs of the District of Marshpee, shall cease; but such treasurer of Marshpee and Herring Pond Plantation shall continue to perform all duties required of him by law relative to the affairs of Herring Pond Plantation, according to the tenor of his commission. Upon the expiration of his term of office, the governor, with the advice and consent of the council, shall appoint some person resident in the county of Barnstable, to be treasurer of Herring Pond Plantation, whose duties, obligations, and term of office shall be the same now provided in reference to the treasurer of Marshpee and Herring Pond Plantation.

Treasurer of Marshpee and Herring Pond Plantation to transfer property.

Treasurer of Herring Pond Plantation to be appointed by governor.

SECTION 3. This act shall take effect on the first day of March, in the year eighteen hundred and sixty-four, provided the same shall be accepted by the vote of a majority of the legal voters of the District of Marshpee, at a meeting held for that purpose, previous to said first day of March.

When to take effect.

SECTION 4. So much of the existing laws relating to the District of Marshpee as are inconsistent with this act, are hereby repealed.

Repeal.

Approved April 27, 1863.

[1812, 21.]

Chap. 185 AN ACT in addition to an Act to incorporate the American Board of Commissioners for Foreign Missions.

Be it enacted, &c., as follows;

\$30,000 in real estate.

\$50,000 in personal estate.

Appropriation of income.

SECTION 1. The American Board of Commissioners for Foreign Missions are hereby authorized to take, receive, have and hold, in fee simple or otherwise, lands, tenements or hereditaments, by gift, grants, or otherwise, for the purposes of their organization, not exceeding the yearly value of thirty thousand dollars, and may also take and hold, by donation, bequest, or otherwise, personal estate to an amount the yearly income of which shall not exceed fifty thousand dollars, anything in their act of incorporation to the contrary notwithstanding.

SECTION 2. Said American Board of Commissioners for Foreign Missions shall not be under obligation, by reason of the seventh section of their act of incorporation, to appropriate any part of the income of their funds to defray the expense of imparting the holy scriptures to unevangelized nations in their own languages, unless they shall deem it advisable so to do, or shall be so required by the express terms of any grant, donation or bequest made to them.

SECTION 3. This act shall take effect upon its passage.

Approved April 27, 1863.

[1866, 185.]

[1861, 183; 1862, 142.]

Chap. 186 AN ACT in addition to the Act to incorporate the Massachusetts Institute of Technology.

Be it enacted, &c., as follows :

Upon organization under acts of 1861, '62, '63, one-third of income under act of Congress, and of Mass. accepting same, to be paid treasurer of institute.

SECTION 1. When the Massachusetts Institute of Technology shall have been duly organized, located and established, in conformity with the provisions of chapter one hundred and eighty-three of the acts of the year eighteen hundred and sixty-one, and chapter one hundred and forty-two of the acts of the year eighteen hundred and sixty-two, and as hereinafter provided, there shall be appropriated and paid to its treasurer, each year, on the warrant of the governor, for its endowment, support and maintenance, one-third part of the annual interest or income which may be received from the fund created under and by virtue of the one hundred and thirtieth chapter of the acts of the thirty-seventh congress, at the second session thereof, approved July second, in the year eighteen hundred and sixty-two, and the laws of this Commonwealth, accepting the provisions thereof and relating to the same.

SECTION 2. Said institute of technology, in addition to the objects set forth in its act of incorporation,—to wit, instituting and maintaining a society of arts, a museum of arts, and a school of industrial science, and aiding the advancement, development and practical application of science in connection with arts, agriculture, manufactures and commerce,—shall provide for instruction in military tactics: and in consideration of this grant, the governor, the chief justice of the supreme judicial court, and the secretary of the board of education, shall be each a member, *ex officio*, of the government of the institute.

Institute to provide instruction in military tactics.

Governor, chief jus. S. J. C., and sec. board of education, to be members, *ex officio*.

SECTION 3. Should the said corporation, at any time, cease or fail to maintain an institute, as and for the purposes provided in its act of incorporation, and in the foregoing section, the aid granted to it by the first section of this act shall be withheld, and not paid to it. The institute shall furnish to the governor and council a copy of the annual reports of its operations.

Aid withheld if institute is not maintained.

Annual reports.

SECTION 4. This act shall be void, unless the said institute of technology shall accept the same, and give due notice thereof, to the secretary of the Commonwealth, on or before the first day of July next.

Act void unless accepted and notice given.

Approved April 27, 1863.

[1863, 226; 1865, 220; 1868, 247.]

AN ACT to confirm certain Acts done by Benjamin D. Hyde, as Justice of the Peace. *Chap. 187*

Be it enacted, &c., as follows:

SECTION 1. All acts done by Benjamin D. Hyde, of Sturbridge, in the county of Worcester, esquire, as a justice of the peace within and for said county, between the twenty-fifth day of January, in the year eighteen hundred and sixty-three, and the eighth day of April of the same year, shall be and they hereby are, made valid and confirmed, to the same extent as they would have been valid, had he been, during that interval, duly qualified to discharge the duties of said office.

Acts as justice of the peace confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1863.

[1855, 269; 1856, 238; 1857, 104; 1859, 63; 1861, 98; 1862, 10.]

AN ACT authorizing the Milford and Woonsocket Railroad Company to cross certain Highways at grade. *Chap. 188*

Be it enacted, &c., as follows:

The Milford and Woonsocket Railroad Company is hereby authorized to construct its road at grade across the following highways, to wit: Depot and Howard Streets, in the town of

May cross in Milford and Bellingham at grade.

Milford, and the main road from South Milford to West Medway, in the town of Bellingham.

Approved April 27, 1863.

[1864, 1; 1865, 63; 1866, 4; 1867, 244, 319; 1868, 34, 222.]

[1849, 51.]

Chap. 189 AN ACT to authorize Gideon Bowly and Joshua E. Bowly to extend their Wharf in Provincetown.

Be it enacted, &c., as follows:

Wharf in Provincetown.

Chapter fifty-one of the acts of the year eighteen hundred and forty-nine is hereby so amended, as to authorize Gideon Bowly and Joshua E. Bowly to extend their wharf in Provincetown, to a point at which there shall be not exceeding ten feet of water at low tide.

Approved April 27, 1863.

[1860, 103.]

Chap. 191 AN ACT concerning Sidewalks in the City of Cambridge.

Be it enacted, &c., as follows:

Mayor and aldermen may construct sidewalks.

Assessment upon abutters to be a lien.

Brick or stone walks to be maintained by city.

Whenever the mayor and aldermen of the city of Cambridge shall deem it expedient to construct sidewalks, or complete any partially constructed sidewalks in any street of said city, they are hereby authorized to construct or complete such sidewalks with edge stones, and in front of buildings or occupied premises to cover the same with brick or flat stones; and they are further authorized to cover such sidewalks, in front of vacant lots of land, with brick, flat stones, or plank supported by timber; and the expense of such edge stones and covering materials shall be assessed upon the abutters in just proportions, and shall constitute a lien upon the abutting lots of land, and be collected in the same manner as taxes on real estate now are; and such sidewalks, when constructed and covered with brick or flat stones, as aforesaid, shall [afterwards be maintained at the expense of the city. Whenever any such sidewalk shall be covered with brick or flat stones, there shall be deducted from the assessment therefor any sum which shall have been previously paid the city by the abutter, for any plank covering of the same.

Approved April 27, 1863.

[1865, 153; 1867, 68.]

[1863, 107.]

Chap. 192 AN ACT concerning Sidewalks in the City of Springfield.

Be it enacted, &c., as follows:

City council may designate part of streets for sidewalks.

Removal of snow and ice.

SECTION 1. The city council of the city of Springfield may by joint resolution set apart such portion of the public streets within its limits, as sidewalks, for the accommodation of foot passengers, as public convenience requires; and may, by ordinance or by-law, compel owners or occupants of

abutting lands to remove the snow and ice from such sidewalk in front of their lands.

SECTION 2. The exercise of the power given in the preceding section shall not prevent the said city council from making any alteration in such sidewalks or from compelling the owners of abutting lands to construct said sidewalks of such materials as the public good requires.

Construction and alterations under direction of council.

Approved April 27, 1863.

[1863, 204; 1864, 165; 1866, 49; 1867, 94.]

AN ACT to authorize the Trustees under the Will of Caleb French, late of Braintree, deceased, to sell Real Estate. *Chap. 194*

Be it enacted, &c., as follows :

SECTION 1. The minister and deacons of the first church in Braintree, trustees under the will of Caleb French, deceased, are hereby authorized to sell certain real estate held by them in trust under said will, and to execute any and all conveyances necessary to complete said sale, freed from said trust.

Minister and deacons may sell trust property.

SECTION 2. The proceeds of said sale shall be permanently and safely invested by said trustees, and the income only shall be expended in the manner provided in said will, and for carrying out the uses and trusts therein contained.

Proceeds how to be expended.

SECTION 3. This act shall take effect upon its passage.

Approved April 27, 1863.

[1854, 43, 443; 1856, 280.]

AN ACT concerning the Malden and Melrose Gas-light Company.

Chap. 195

Be it enacted, &c., as follows :

SECTION 1. The Malden and Melrose Gas-light Company are hereby authorized to lay their pipes in the bed of the Mystic River at the Medford bridge, under such restrictions and regulations as may from time to time be imposed by the selectmen of Medford: *provided*, that nothing shall be done to interfere with the navigation of said river.

May lay pipes in bed of Mystic River.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1863.

[1834, 109; 1842, 2; 1850, 252.]

AN ACT to increase the Capital Stock of the Boston Sugar Refinery.

Chap. 196

Be it enacted, &c., as follows :

The Boston Sugar Refinery is hereby authorized to increase its capital stock, by adding thereto a sum not exceeding five hundred thousand dollars, and to invest such additional capital in real or personal estate, as may be necessary and convenient for carrying on the business of the corporation:

\$500,000 additional capital stock.

Shares not to be
issued at less
than par value.

provided, that no shares in the capital stock hereby authorized shall be issued for a less sum or amount, to be actually paid in on each, than the par value of the shares first issued.

Approved April 27, 1863.

[B. 1821, 109; 1822, 12, 56; 1829, 18, 112; 1830, 12; 1831, 65. R. S. 87; 1838, 147; 1853, 179; 1860, 199; 1861, 210. C. 1855, 26, 477.]

Chap. 197 AN ACT concerning Police Courts, and the Police Courts of the Cities of Boston and Chelsea.

Be it enacted, &c., as follows :

Case not to be
sent to auditor
without consent
of parties.

SECTION 1. Justices of police courts shall have no power to send any case to an auditor, unless both parties shall assent thereto in writing.

Jurisdiction in
civil actions.

SECTION 2. The jurisdiction of the police courts in the cities of Boston and Chelsea respectively, in civil actions and proceedings so far as it now extends, shall exclude that of justices of the peace within and for the county of Suffolk.

Approved April 27, 1863.

[B., 1866, 279; C., 1864, 256.]

Chap. 202 AN ACT to incorporate the Ocean Mutual Insurance Company.

Be it enacted, &c., as follows :

Corporators.

Name and pur-
pose.

Powers and du-
ties.

William H. Taylor, Pardon Tillinghast, Thomas Cook, their associates and successors, are hereby made a corporation by the name of the Ocean Insurance Company, to be established in the city of New Bedford, for the purpose of insuring against fire and maritime losses; and for that purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the fifty-eighth chapter of the General Statutes, so far as the same is applicable to mutual fire and marine insurance companies.

Approved April 28, 1863.

Chap. 203 AN ACT to incorporate the South American Steamship Company.

Be it enacted, &c., as follows :

Corporators.

Name.

Powers and du-
ties.

SECTION 1. Daniel Deshon, Paul Curtis, Daniel W. Lord, their associates and successors, are hereby made a corporation by the name of the South American Steamship Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the general laws, which now are or may hereafter be in force relative to such corporations.

May own or char-
ter steamships
and navigate
ocean.

SECTION 2. Said corporation is hereby authorized and empowered to build, purchase, charter, hold and convey steamships, and to navigate the ocean therewith, between any port in this Commonwealth, and any of the ports of South America, with liberty to touch at New York and any of the

West India Islands; and said corporation may let by charter one or more of their steamships to any person, provided such charter does not prevent said corporation from complying with the terms of this act; and said company may also, by charter, let any or all of their steamships to the United States of America without any restriction as to the service in which said vessels may be employed.

May let ships by charter.

SECTION 3. The capital stock of said corporation shall not exceed one million of dollars, and shall be divided into shares of the par value of one hundred dollars each; and said corporation shall have power to assess from time to time, upon such shares, such sums as may be deemed necessary to accomplish the object of said corporation, not exceeding the par value of such shares; no certificate of stock to be issued until the par value thereof has been actually paid in.

Capital stock and shares.

SECTION 4. If said corporation shall not within two years from the passage hereof, have been organized and have collected assessments of not less than ten per cent. of its capital stock, and shall not within three years from the passage of this act, have employed two steamships to navigate the ocean between some port or ports of this Commonwealth and some of the ports of South America; or if said company shall thereafter wholly fail—unless prevented by war with foreign powers—for the period of one year, to employ two steamships for said purpose, or if said company shall fail to comply with the other conditions of this act, then this act shall be null and void.

Conditions of validity of act.

SECTION 5. This act shall take effect upon its passage.

Approved April 28, 1863.

[1863, 192.]

AN ACT concerning the re-location of Streets and Ways in the City of Springfield. *Chap. 204*

Be it enacted, &c., as follows :

SECTION 1. When the city council of the city of Springfield deem it necessary to locate anew a street or way in said city, either for the purpose of establishing the boundary lines of such street or way, erecting monuments thereon or of making alterations in the course or width thereof, they may so locate such street or way, giving notice, and proceeding in the manner prescribed by law for laying out and establishing streets or ways in said city.

City council may locate streets anew.

SECTION 2. Any person sustaining damages in his property by the location of a street or way, as provided in the preceding section, shall have his compensation ascertained

Damages, how estimated and paid.

and paid in accordance with the provisions of the General Statutes in respect to the laying out, altering and discontinuing of streets and ways. *Approved April 28, 1863.*

[1846, 228; 1848, 130; 1849, 180; 1850, 214; 1851, 283; 1852, 124; 1854, 421; 1856, 139; 1857, 162; 1861, 51.]

Chap. 205 AN ACT in addition to an Act to authorize the ~~M~~orchester and Milton Branch Railroad Company to extend its Railroad.

Be it enacted, &c., as follows:

Time for locating
and constructing
extended.

The time for locating and constructing the extension of the Dorchester and Milton Branch Railroad, as authorized by the fifty-first chapter of the acts of the year eighteen hundred and sixty-one, is hereby extended two years beyond the time designated in said act. *Approved April 28, 1863.*

[1863, 29.]

Chap. 206 AN ACT in addition to an Act to incorporate the Dighton and Somerset Railroad Company.

Be it enacted, &c., as follows:

May cross high-
way in Somerset.

The Dighton and Somerset Railroad Company is hereby authorized to construct its road, at grade, across the highway in the town of Somerset, leading westerly from the village in said town to the house of Philip Bowers.

Approved April 29, 1863.

[1864, 101; 1866, 41.]

Chap. 207 AN ACT to incorporate the Merrimack Valley Horse Railroad Company.

Be it enacted, &c., as follows:

Corporators.

Name.

Location.

Tracks, how laid.

Rates of fare.

SECTION 1. William H. P. Wright, George D. Cabot, and William R. Spaulding, their associates and successors, are hereby made a corporation by the name of the Merrimack Valley Horse Railroad Company, with power to construct, maintain and use a railroad, with convenient single or double tracks, from such point or points in the city of Lawrence, and in the towns of Andover, North Andover and Methuen, and upon and over such streets and highways in said city and towns respectively, as the mayor and aldermen of said city and the selectmen of said towns respectively may, from time to time, fix and determine, with the assent of said corporation in writing, filed with the city clerk of said city and the selectmen of said towns respectively. The tracks of said railroad shall be laid at such distances from the sidewalks in said city and towns, as the mayor and aldermen of said city, and the selectmen of said towns shall respectively, in their orders fixing the route and location of said railroad, determine. Said corporation shall have power to fix, from time to time, such rates of compensation for transporting persons and property as they may think expedient: but the rate of

passenger fare shall not exceed five cents per mile for each passenger, and no property shall be transported at such times or in such manner as to interfere in any way whatever with the transportation of passengers. Said corporation shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes, and in all general laws which are or may be in force relating to horse railroad corporations.

Transportation.

Powers and duties.

SECTION 2. Notice to abutters on streets and highways, in which it is proposed to lay the tracks of said corporation, shall be given, by publishing in such newspapers as the mayor and aldermen of said city, and the selectmen of said towns, shall respectively determine, and also by posting in three public places in said city and in each of said towns, notice of the proposed location, and of the time and place of hearing thereon, fourteen days, at least, before the same shall be made; and said abutters may then and there appear and show cause, if any there be, why said railroad should not be so located and constructed.

Abutters to be notified.

May appear in remonstrance.

SECTION 3. Said tracks or roads shall be operated and used with horse-power only. The selectmen of said towns, and the mayor and aldermen of said city, shall have power at all times to make all such regulations as to the use of the tracks and the rate of speed, within the limits of their respective jurisdictions, as the public convenience and safety may require.

Motive power and rate of speed.

SECTION 4. Said corporation shall keep and maintain in repair such portion of the streets, highways and bridges respectively as is occupied by their tracks, and shall be liable for any loss or injury that any person sustains, by reason of the carelessness, neglect or misconduct of any of its agents and servants, in the management, construction or use of said roads or tracks; and in case any recovery is had against either of said towns or city by reason of such defect or want of repair, said corporation shall be liable to pay such towns or city respectively or either of them any sums thus recovered against them, together with all costs and reasonable expenditures incurred by them respectively, in the defence of any such suit or suits in which said recovery is had; and said corporation shall not use any portion of the streets or highways not occupied by said roads or tracks.

Highways, repair of.

Liability for conduct of agents.

Recovery of damages.

SECTION 5. If any person shall wilfully and maliciously obstruct said corporation in the use of said road or tracks, or the passing of cars or carriages of said corporation thereon, such person, and all who aid or abet therein, shall be

Penalty for obstructing corporation.

punished by a fine not exceeding five hundred dollars, or by imprisonment in the common jail for a period not exceeding three months.

Obstruction by corporation.

SECTION 6. If said corporation, or its agents or servants, shall wilfully and maliciously obstruct any highway, or the passing of any carriages over the same, said corporation shall be punished by a fine not exceeding five hundred dollars.

Capital stock.

SECTION 7. The capital stock of said corporation shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each.

Real estate.

SECTION 8. Said corporation shall have power to purchase and hold such real estate within said towns or city, or either of them, as may be convenient or necessary for the purposes for which it is incorporated.

Construction and grade of road.

SECTION 9. The said road shall be constructed and maintained in such form and manner, and upon such grade, as the mayor and aldermen of said city, and the selectmen of said towns, respectively, in their votes fixing and determining the route and location thereof, as aforesaid, prescribe and direct; and whenever, in the judgment of said corporation, it is necessary to alter the grade of any street so occupied by it, such alteration may be made at the sole expense of said corporation: *provided*, such alteration shall be assented to by the selectmen of the town within which the same is to be made.

Alteration of grade of streets.

Proviso.

Control of streets by city and town authorities.

SECTION 10. Nothing in this act shall be construed to prevent the selectmen of either of said towns, or the mayor and aldermen of said city, from entering upon and taking up any of the public streets or highways traversed by said railroad, within their respective limits, for any purpose for which they may now lawfully take up the same.

Municipal authorities may, after one year, revoke location and remove tracks.

SECTION 11. At any time after the expiration of one year from the opening for use of the tracks of said railroad, in any street or road in which the same is located, as provided by its charter, the selectmen of said towns and the mayor and aldermen of said city, respectively, may determine as to so much of said tracks as is located within their respective limits, that the same or any part thereof be discontinued: and thereupon the location shall be deemed to be revoked, and the tracks of said railroad shall be forthwith taken up and removed, in conformity with the order of said selectmen and mayor and aldermen, respectively; and such taking up and removal shall be at the expense of said railroad corporation.

Expense.

SECTION 12. The towns of Andover, North Andover and Methuen, and the city of Lawrence, or either of them may at any time after the expiration of ten years from the opening of any part of said road for use, purchase of said corporation, all the franchise, property, rights and furniture of said corporation, by paying therefor such a sum as will reimburse to each person, who shall then be a stockholder therein, the par value of his stock, together with a net profit of ten per centum per annum from the time of the transfer of said stock to him on the books of the corporation, deducting the dividends received by said stockholder thereon; said towns and city having the right to purchase only that part of the corporate property which relates to and lies within the limits of their own jurisdictions respectively, and paying therefor a proportionate sum on the basis above mentioned, to be ascertained and fixed by commissioners to be appointed by the supreme judicial court.

Towns, after ten years, may purchase property and franchise.

SECTION 13. This act shall be void so far as relates to the right to construct said road in either of said towns or city, unless the same shall be accepted by the selectmen of such towns, or the city council of said city, respectively, and unless the same shall be accepted by said corporation; and unless said road shall be constructed within two years after the passage of this act.

Condition of validity of act.

SECTION 14. Said corporation shall be subject to all existing provisions of law for the assessment and payment of damages for land outside of the streets and highways taken by them for their tracks.

Land damages.

SECTION 15. This act shall take effect upon its passage.

Approved April 29, 1863.

[1865, 64; 1867, 172; 1868, 220.]

AN ACT to confirm certain Acts done by Peter C. Bacon as a Justice of the Peace.

Chap. 208

Be it enacted, &c., as follows:

SECTION 1. All acts done by Peter C. Bacon, of Worcester, in the county of Worcester, as a justice of the peace within and for said county, between the tenth day of October, in the year eighteen hundred and sixty-two, and the twentieth day of April in the year eighteen hundred and sixty-three, are hereby made valid, and confirmed to the same extent as they would have been valid, had he been during that period duly commissioned and qualified to discharge the duties of said office.

Acts as justice of the peace confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1863.

[1836, 259; 1837, 70; 1838, 118; 1845, 239; 1850, 246; 1852, 171, 278; 1854, 218; 1855, 455.]

Chap. 209

AN ACT concerning the Boston Wharf Company.

Be it enacted, &c., as follows :

Reduction of par
value of shares
authorized.

SECTION 1. The Boston Wharf Company is hereby authorized to reduce the par value of the shares of said corporation, in such manner, and upon such conditions, as three-fourths of the stockholders of said company present and voting, at a meeting called for that purpose, shall determine : *provided, however*, that said par value shall not be reduced below twenty dollars, and that no assessment shall be laid upon the new shares.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1863.

[1867, 354.]

[1861, 65; 1862, 56; 1863, 69.]

Chap. 210

AN ACT in addition to An Act to incorporate the Northampton and Shelburne Falls Railroad Company.

Be it enacted, &c., as follows :

May cross at
grade, certain
highways.

The Northampton and Shelburne Falls Railroad Company is hereby authorized to construct its railroad, at grade, over and across such highways and roads in the county of Hampshire, between Bridge Street, in Northampton, and the terminus of the present location of said railroad, near the village of Williamsburg, as it is impracticable or inconsistent with the public convenience to cross over or under by means of bridges : *provided, however*, said company shall not cross any of said highways or roads at grade, without the approval of the county commissioners of said county, upon application of said company, and after hearing all parties interested, who shall be notified in the manner provided in the laying out of highways.

Proviso.

Approved April 29, 1863.

[1866, 96; 1867, 159; 1868, 305.]

Chap. 211

AN ACT concerning the Fibrilia Felting Company.

Be it enacted, &c., as follows :

Location
changed.

SECTION 1. The location of the Fibrilia Felting Company is hereby changed from the town of Winchester, to the city of Lawrence ; and said company is hereby authorized to establish and carry on its business at said Lawrence.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1863.

[1848, 307; 1849, 108; 1850, 312; 1852, 40, 146, 155, 297; 1854, 226; 1855, 304; 1856, 237; 1859, 70, 117; 1860, 184, 202; 1861, 65; 1862, 156.]

AN ACT in addition to "an Act providing for the more speedy Completion of the Troy and Greenfield Railroad and Hoosac Tunnel."

Chap. 214

Be it enacted, &c., as follows :

SECTION 1. The commissioners appointed under the one hundred and fifty-sixth chapter of the acts of eighteen hundred and sixty-two, are hereby authorized, subject to the advice and approval of the governor and council, to construct, complete and equip the Troy and Greenfield Railroad and Hoosac Tunnel; and to make such alterations in the line of said road as may be deemed necessary to render it suitable and proper for part of a through line from Troy to Boston; also such alterations in the location and dimensions of said tunnel as will render it suitable and proper for use, in accordance with the spirit and intent of the two hundred and twenty-sixth chapter of the acts of eighteen hundred and fifty-four.

Commissioners may construct and equip, and make alterations in road and tunnel.

SECTION 2. The governor is hereby authorized to draw his warrant on the treasurer of the Commonwealth for such sums as may be required from time to time by said commissioners for the purpose of carrying out the provisions of this act, and the act or acts to which this is in addition; and there is accordingly hereby appropriated for the purpose of constructing and completing said tunnel and railroad and equipping the same, and paying interest upon such scrip as has been or may be issued during the progress of the work, the unexpended balance of the two millions of dollars authorized by chapter two hundred and twenty-six of the acts of the year eighteen hundred and fifty-four, and referred to in chapter one hundred and fifty-six of the acts of the year eighteen hundred and sixty-two. And the treasurer of the Commonwealth is hereby authorized, upon the warrant of the governor drawn as aforesaid, to issue scrip or certificates of debt to the amount of said appropriation, which shall be expressed in such currency and shall bear such rate of interest as the governor and council may direct, and shall be redeemable at the end of thirty years from the date thereof; and said treasurer shall sell or otherwise dispose of the same as he may deem proper, subject to the approval of the governor and council.

Governor may draw warrants upon request of commissioners.

Appropriation.

Treasurer may issue scrip with approval of governor and council.

SECTION 3. Said commissioners, and their successors in office, shall be removable by the governor, with the advice of the council, and in case of any vacancy occasioned by death, resignation or removal, such vacancy shall be filled by appointment of the governor, with the advice of the

Commissioners—tenure of office.

Shall present accounts to governor and council, quarterly, or when required, and have consent for certain acts.

Powers of commissioners in altering line, defined.

Assessment of damages.

Commonwealth's title to be perfected by extinguishment of liens and claims.

Contract of Troy and Boston, Vermont and Mass., and Fitchburg Railroad Companies, confirmed.

Compensation of commissioners.

council ; and said commissioners shall, once in three months, and oftener if required, present to the governor and council an account of all contracts entered into by them as such commissioners, and of all payments and charges by them made, by virtue of their commission, with their vouchers therefor, which vouchers and accounts shall be examined, and if found correct, and in good faith, shall be allowed by the governor and council ; but no lease of any part of said railroad, nor any contract amounting to more than ten thousand dollars shall be made by said commissioners without the consent of the governor and council.

SECTION 4. Said commissioners in altering the location of the line of said road shall have the same power as railroad corporations have in making locations under existing laws, and may take, by purchase or otherwise, such lands, or easements therein, as may be needed for any purposes connected with the construction of said tunnel, and all titles or easements so taken shall vest in the Commonwealth ; and all parties aggrieved by any action of said commissioners, under this section, may have their damages assessed in the manner provided by law for the assessment of damages against railroad corporations ; and all damages so assessed shall be paid from the treasury of the Commonwealth to the party entitled thereto, upon the warrant of the governor, drawn pursuant to the provisions of this act.

SECTION 5. Said commissioners, subject to the approval of the governor and council, shall have the power to use a part of the money appropriated by this act, not exceeding fifty thousand dollars, to extinguish any liens or claims, or rights of redemption which any person or corporation may have, in order to perfect the title of the Commonwealth to said railroad and tunnel.

SECTION 6. The contract executed by the Troy and Boston Railroad Company on the eighteenth day of February, eighteen hundred and sixty-three, by the Vermont and Massachusetts Railroad Company on the twentieth day of said February, and by the Fitchburg Railroad Company on the twenty-third day of said month, printed on pages eighty-eight to ninety-four, inclusive, of the report of said commissioners made on the twenty-eighth day of February, aforesaid, and referred to in the message of the governor, dated the twelfth day of March, in the year eighteen hundred and sixty-three, is hereby approved, ratified and confirmed.

SECTION 7. The compensation of said commissioners shall be fixed by the governor, with the advice of the

council; but the compensation of the chairman of said commissioners shall in no event exceed the sum of five thousand dollars per annum, nor shall the entire compensation of all of said commissioners exceed the sum of seven thousand dollars per annum.

Approved April 29, 1863.

[1865, 210, 211; 1866, 293; 1867, 253, 304; 1868, 51, 333, 350.]

AN ACT to authorize the Discontinuance of the County Jail at Ipswich. *Chap. 216*
Be it enacted, &c., as follows:

SECTION 1. The county commissioners for the county of Jail in Ipswich. Essex are hereby authorized to discontinue the county jail at Ipswich and to take down the same, and to make such disposition of the materials thereof as they shall deem proper.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1863.

[1861, 222; 1862, 66, 166; 1863, 38, 58, 79, 122, 176.]

AN ACT to provide for the Re-imbursement of Bounties Paid to Volunteers, and to Apportion and Assess a Tax therefor. *Chap. 218*

Be it enacted, &c., as follows:

SECTION 1. All sums of money paid by any city or town, as bounties to volunteers duly enlisted and mustered into the military service, and accounted as a part of the quotas of Massachusetts under the calls of the president of the United States, which were made in the months of July and August, in the year eighteen hundred and sixty-two, shall be re-imbursed from the treasury of the Commonwealth to such city or town, in the manner provided in this act: Reimbursement from treasury authorized. *provided, however,* that the amount thus re-imbursed to any city or town, shall not exceed the sum of one hundred dollars for each such volunteer, and shall not in any case exceed the amount actually paid by such city or town, to each such volunteer. Provides: limitations prescribed.

SECTION 2. The several cities and towns shall, on or before the first day of July next, make returns to the governor of the Commonwealth, of the names of all such volunteers, to whom they have paid bounties, the amount paid to each, and the regiment in which such volunteers were enlisted and mustered into service, together with such other facts as may be required by the governor, who shall prescribe the form of said returns, and the officers of the cities and towns by whom they shall be made and sworn to; and no re-imbursement shall be made from the state treasury, to any city or town, as provided in the first section of this act, unless such return is made and sworn to by the officers thus prescribed by the governor. Said returns shall

Towns to return names, amount paid, regiment, and other facts required, to governor, who shall prescribe returns, officers to certify same, and cause examination.

be examined, compared and revised by the governor, or under his direction, and the amount to be re-imbursed to each city and town, under the provisions of this act, shall be thus ascertained.

Reimbursement to be paid town receiving transfer of volunteer.

Proviso.

Re-transfer, how adjusted.

Governor to certify re-imbursements to treasurer and to towns.

Appointment by treasurer.

Payments to be made as are other taxes.

Treasurer to issue warrant requiring assessment.

When payment to be made.

SECTION 3. The amount so re-imbursed to any city or town, on account of any such volunteers who have been transferred to fill the quota of any other city or town, shall be paid over, by the city or town receiving the re-imbursment, to such other city or town: *provided, however*, the amount so paid over shall not exceed the sum originally paid for such transfer; and an action of contract may be maintained in any court of competent jurisdiction, to recover the same. In case such volunteers are, at any time hereafter, transferred back to the city or town to which they originally belonged, pursuant to an agreement to that effect, the amount so paid over or recovered under the provisions of this section, shall be deducted from the sum agreed to be paid for such re-transfer.

SECTION 4. The amounts to be re-imbursed to the several cities and towns, as ascertained according to the provisions of the second section, shall be certified by the governor, to the treasurer of the Commonwealth, and also to the assessors of said cities and towns, respectively. The aggregate of all the amounts so certified, shall be apportioned by the said treasurer, to and among the several cities and towns of the Commonwealth, in the same manner as the aggregate of the annual state tax for the current year is apportioned to and among the same. Each city and town in the Commonwealth, shall be assessed and pay the several sums so apportioned to them respectively, in the same manner, and with the same effect, as they are assessed and charged with their respective proportions of other state taxes.

SECTION 5. The treasurer of the Commonwealth, upon completing such apportionment, shall forthwith send his warrant, with a copy of this act, directed to the selectmen or assessors of each city or town, taxed as aforesaid, requiring them, respectively, to assess the sum apportioned as aforesaid, to said city or town, according to the provisions of the eleventh chapter of the General Statutes; and to add the amount of such tax to the amount of town and county taxes to be assessed by them respectively, on each city or town.

SECTION 6. The treasurer, in his said warrant, shall require the said selectmen, or assessors, to pay, or to issue their several warrant or warrants, requiring the treasurers of their several cities or towns to pay to said treasurer of the

Commonwealth, on or before the first day of December, in the year eighteen hundred and sixty-three, the sums apportioned, as aforesaid, to said cities or towns respectively ; and the selectmen or assessors, respectively, shall return a certificate of the names of such treasurers, with the sum which each may be required to collect, to the said treasurer of the Commonwealth, at some time before the first day of October next.

Names of town treasurers, with sum required, to be returned.

SECTION 7. If the amount due from any city or town, as provided in this act, is not paid to the treasurer of the Commonwealth within the time specified, then the said treasurer shall notify the treasurer of said delinquent city or town, who shall pay into the treasury of the Commonwealth, in addition to the tax, such further sum as would be equal to one per centum per month, during such delinquency, dating on and after the first day of December next; and if the same remains unpaid after the first day of January next, an information may be filed, by the treasurer of the Commonwealth, in the supreme judicial court, or before any justice thereof, against such delinquent city or town; and upon notice to such city or town, and a summary hearing thereon, a warrant of distress may issue against such city or town, to enforce the payment of said taxes, under such penalties as the said court, or the justices thereof, before whom the hearing is had, shall order.

Penalty for delinquency.

SECTION 8. The proceeds of the tax apportioned and assessed as aforesaid, upon the several cities and towns, are hereby appropriated for the purpose of paying all liabilities incurred by the Commonwealth under the provisions of this act. When any city or town shall have paid its proportion of said tax, to the treasurer of the Commonwealth, the governor shall thereupon draw his warrant on said treasurer, in favor of said city or town, for the sum which it is entitled to be re-imbursed under the provisions of this act.

Proceeds of tax, how to be appropriated.

Warrant for reimbursement shall issue upon receipt of tax.

SECTION 9. Any city or town electing so to do, may raise and pay its proportion of the tax apportioned and assessed as aforesaid, in the manner provided in this section. Such election may be made by any city, by a vote of the city council thereof, or by any town by a vote of the legal voters thereof, at a meeting called for that purpose ; and such vote shall be certified by the clerk of said city or town, to the treasurer of the Commonwealth. Any city or town may raise money if necessary, by tax or otherwise, for the purpose of carrying out the provisions of this section. The treasurer of the Commonwealth shall credit such city or town with the sum which it is entitled to receive as re-im-

City council or voters of town may elect to raise and pay money.

Money may be raised by tax.

Duties of treasurer of Commonwealth.

When tax is adjusted, further reimbursement barred.

Liability in case of failure to pay tax.

bursement, and charge such city or town with the sum apportioned and assessed upon it under the provisions of this act. In case the sums so credited and charged to any city or town are equal, the said treasurer shall deliver his receipt in full for the tax of such city or town. In case the credits of any city or town exceed its charges, the treasurer shall deliver his receipt in full, as aforesaid, and the governor shall, on or before the first day of December next, draw his warrant on the said treasurer, in favor of such city or town, for the amount of such excess. In case the charges of any city or town exceed its credits, such city or town shall pay the amount of such excess to the said treasurer, who shall thereupon deliver his receipt in full as aforesaid. Any city or town paying and adjusting its tax, in the manner provided in this section, shall have no further claim upon the Commonwealth for re-imbursement, under the provisions of this act, and the treasurer of such city or town shall deliver his receipt in full, of the same, to the treasurer of the Commonwealth.

SECTION 10. Any city or town electing to pay its tax in the manner provided in the preceding section, and failing to do so within the time mentioned in the sixth section, shall be subject to all the provisions of the seventh section of this act.

SECTION 11. This act shall take effect upon its passage.

Approved April 29, 1863.

[1863, 222, 252, 254; 1864, 47, 48, 65, 84, 130, 143, 211, 292; 1865, 82, 151, 180, 232, 235; 1866, 172, 282; 1867, 136; 1868, 107, 115.]

Chap. 220 AN ACT to incorporate the Trustees of the Massachusetts Agricultural College.

Be it enacted, &c., as follows:

Corporators.

Name and purpose.

SECTION 1. Marshall P. Wilder, of Dorchester; Charles G. Davis, of Plymouth; Nathan Durfee, of Fall River; John Brooks, of Princeton; Henry Colt, of Pittsfield; William S. Southworth of Lowell; Charles C. Sewall, of Medfield; Paoli Lathrop, of South Hadley; Phinehas Stedman, of Chicopee; Allen W. Dodge, of Hamilton; George Marston, of Barnstable; William B. Washburn, of Greenfield; Henry L. Whiting, of Tisbury; John B. King, of Nantucket, their associates and successors, are hereby constituted a body corporate, by the name of the Trustees of the Massachusetts Agricultural College, the leading object of which shall be, without excluding other scientific and classical studies, and including military tactics, to teach such branches of learning as are related to agriculture and the mechanic arts, in order to promote the liberal and practical education of the industrial classes in the several pursuits and professions of life—to be located as hereinafter provided; and they and their

successors, and such as shall be duly elected members of said corporation, shall be and remain a body corporate by that name forever. And for the orderly conducting of the business of said corporation the said trustees shall have power and authority, from time to time, as occasion may require, to elect a president, vice-president, secretary and treasurer, and such other officers of said corporation as may be found necessary, and to declare the duties and tenures of their respective offices; and also to remove any trustee from the same corporation, when, in their judgment, he shall be rendered incapable, by age, or otherwise, of discharging the duties of his office, or shall neglect or refuse to perform the same; and, whenever vacancies shall occur in the board of trustees, the legislature shall fill the same: *provided, nevertheless*, that the number of members shall never be greater than fourteen, exclusive of the governor of the Commonwealth, the secretary of the board of education, the secretary of the board of agriculture, and the president of the faculty, each of whom shall be, *ex officio*, a member of said corporation.

Election of officers.

Removal of trustees.

Vacancies in board.
Proviso.

SECTION 2. The said corporation shall have full power and authority to determine at what times and places their meetings shall be holden, and the manner of notifying the trustees to convene at such meetings; and also, from time to time, to elect a president of said college, and such professors, tutors, instructors and other officers of said college, as they shall judge most for the interest thereof, and to determine the duties, salaries, emoluments, responsibilities and tenures of their several offices. And the said corporation are further empowered to purchase or erect, and keep in repair, such houses and other buildings as they shall judge necessary for the said college; and also to make and ordain, as occasion may require, reasonable rules, orders, and by-laws, not repugnant to the constitution and laws of this Commonwealth, with reasonable penalties, for the good government of the said college, and for the regulation of their own body, and also to determine and regulate the course of instruction in said college, and to confer such appropriate degrees as they may determine and prescribe: *provided, nevertheless*, that no corporate business shall be transacted at any meeting unless one-half, at least, of the trustees are present.

Meetings.

Officers of college.

Real estate.

By-laws.

Instruction.

Proviso.

SECTION 3. The said corporation may have a common seal, which they may alter or renew at their pleasure, and all deeds sealed with the seal of said corporation, and signed by their order, shall, when made in their corporate name,

Common seal.

Corporation may
sue and be sued.

May hold estate
given or be-
queathed.

Proviso.

Rents and profits
of estate, how
appropriated.

Legislature may
enlarge or re-
strain powers of
corporation and
appoint over-
seers.

Annual report.

Location of col-
lege.

Land for farm,
and manual la-
bor thereon.

One-tenth pro-
ceeds of sale of
certain land scrip
to apply to pur-
chase of farm.

be considered in law as the deeds of said corporation ; and said corporation may sue and be sued in all actions, real, personal or mixed, and may prosecute the same to final judgment and execution, by the name of the Trustees of the Massachusetts Agricultural College ; and said corporation shall be capable of taking and holding in fee simple, or any less estate, by gift, grant, bequest, devise, or otherwise, any lands, tenements, or other estate, real or personal : *provided*, that the clear annual income of the same shall not exceed thirty thousand dollars.

SECTION 4. The clear rents and profits of all the estate, real and personal, of which the said corporation shall be seized and possessed, shall be appropriated to the uses of said college, in such manner as shall most effectually promote the objects declared in the first section of this act, and as may be recommended, from time to time, by the said corporation, they conforming to the will of any donor or donors, in the application of any estate which may be given, devised or bequeathed, for any particular object connected with the college.

SECTION 5. The legislature of this Commonwealth may grant any further powers to, or alter, limit, annul or restrain, any of the powers vested by this act in the said corporation, as shall be found necessary to promote the best interests of the said college ; and more especially may appoint and establish overseers or visitors of the said college, with all necessary powers for the better aid, preservation and government thereof. The said corporation shall make an annual report of its condition, financial and otherwise, to the legislature, at the commencement of its session.

SECTION 6. The board of trustees shall determine the location of said college, in some suitable place within the limits of this Commonwealth, and shall purchase, or obtain, by gift, grant, or otherwise, in connection therewith, a tract of land containing at least one hundred acres, to be used as an experimental farm, or otherwise, so as best to promote the objects of the institution ; and in establishing the by-laws and regulations of said college, they shall make such provision for the manual labor of the students on said farm as they may deem just and reasonable. The location, plan of organization, government and course of study prescribed for the college, shall be subject to the approval of the legislature.

SECTION 7. One-tenth part of all the moneys which may be received by the state treasurer, from the sale of land scrip, by virtue of the provisions of the one hundred and thirtieth chapter of the acts of the thirty-seventh congress, at the

second session thereof, approved July second, eighteen hundred and sixty-two, and of the laws of this Commonwealth, shall be paid to said college, and appropriated towards the purchase of said site or farm: *provided, nevertheless,* that the said college shall first secure by valid subscriptions or otherwise, the further sum of seventy-five thousand dollars, for the purpose of erecting suitable buildings thereon; and upon satisfactory evidence that this proviso has been complied with, the governor is authorized, from time to time, to draw his warrants therefor. Proviso.

SECTION 8. When the said college shall have been duly organized, located and established, as and for the purposes specified in this act, there shall be appropriated and paid to its treasurer each year, on the warrant of the governor, two-thirds of the annual interest or income, which may be received from the fund created under and by virtue of the act of congress named in the seventh section of this act, and the laws of this Commonwealth, accepting the provisions thereof, and relating to the same. Future support of college provided for.

SECTION 9. In the event of a dissolution of said corporation, by its voluntary act at any time, the real and personal property belonging to the corporation shall revert and belong to the Commonwealth, to be held by the same, and be disposed of as it may see fit, in the advancement of education, in agriculture, and the mechanic arts. The legislature shall have authority at any time to withhold the portion of the interest or income from said fund provided in this act, whenever the corporation shall cease or fail to maintain a college within the provisions and spirit of this act and the before-mentioned act of congress, or for any cause which they deem sufficient. Property, in case of dissolution of corporation, to revert to State.

When aid may be withheld.

Approved April 29, 1863.

[1864, 223; 1865, 195, 240.]

[1863, 91.]

AN ACT in addition to "An Act to encourage Enlistments and Regulate Recruiting." Chap. 222

Be it enacted, &c., as follows:

The governor may, in his discretion, appropriate the whole or any part of the bounty authorized by the ninety-first chapter of the acts of the year eighteen hundred and sixty-three, to the payment of necessary expenses of transporting the troops of the second Massachusetts cavalry: *provided, however,* that the whole amount thus expended in the transportation of said corps, shall not exceed the maximum fixed in the said chapter, for bounty and other expenses. Governor may provide transportation for second reg. cavalry.

Proviso.

Approved April 29, 1863.

[1863, 252.]

[N. H. 1830, 56; 1861, 88, 183. T. 1861, 183; 1862, 142; 1863, 186; 1865, 220.]

Chap. 226 AN ACT to repeal Sections Eight and Nine of the "Act to incorporate the Massachusetts Institute of Technology, and to grant aid to said Institution, and to the Boston Society of Natural History."

Be it enacted, &c., as follows :

Repeal of reservation of certain lots on Back Bay.

Sections eight and nine of chapter one hundred and eighty-three of the acts of the year eighteen hundred and sixty-one, entitled "An Act to incorporate the Massachusetts Institute of Technology, and to grant aid to said institution, and to the Boston Society of Natural History," are hereby repealed.

Approved April 29, 1863.

[N. H. 1865, 203. T. 1868, 247.]

Chap. 227 AN ACT to incorporate the Trustees of the Newburyport Veteran Artillery Company.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. John Burrill, William E. Currier, Richard Fowler, their associates and successors, are hereby made a corporation by the name of the Trustees of the Newburyport Veteran Artillery Company.

Number of trustees.

SECTION 2. Said board of trustees shall consist of not less than five nor more than nine persons, who shall be members of said company. A majority of said trustees shall constitute a quorum for doing business, and all vacancies that may happen in said board of trustees, by death, resignation or otherwise, shall be filled in such manner as the members of the company may direct.

Quorum.

Vacancies, how filled.

May hold real and personal estate.

SECTION 3. Said board of trustees shall have power to purchase, receive, hold and manage real estate for said corporation, to the amount of ten thousand dollars, and personal property belonging to said corporation, and receive any gift, grant, bequest or donation which may be made to said corporation, and manage the same, by investment or otherwise.

Rules and by-laws.

SECTION 4. Said board of trustees shall have power to make rules, regulations and by-laws in conformity with the previous sections, for the government of said company, which rules, regulations and by-laws shall be binding on its members.

Approved April 29, 1863.

[1830, 133; 1832, 68; 1836, 92; 1839, 104; 1844, 95; 1849, 217; 1853, 408.]

Chap. 228 AN ACT to reduce the Capital of the Merchants' Bank of Boston.

Be it enacted, &c., as follows :

Reduction of \$1,000,000 authorized.

Proviso.

SECTION 1. The president, directors and company of the Merchants' Bank, established in the city of Boston, are hereby authorized to reduce their capital stock to the sum of three million dollars: *provided*, that said reduction shall not take place until the bank commissioners, or a majority of them, shall have certified, in writing, to the governor and

council, after due examination, that the said corporation has sufficient funds for the payment of all notes, bills, deposits and other liabilities existing against it, and for the purchase and extinguishment of ten thousand shares of its stock, and after the payment of all liabilities, and the purchase of its stock, as aforesaid, the sum of three million dollars shall remain in said bank as capital stock in funds available, for all usual and proper banking purposes, nor until the stockholders of said corporation, at a meeting called for that purpose, shall vote in favor of said reduction.

SECTION 2. The capital stock of said bank shall be reduced as aforesaid, by the purchase and extinguishment by said corporation, of ten thousand shares of its stock, so that each of the remaining thirty thousand shares shall be of the par value of one hundred dollars; and when the capital stock is reduced, as aforesaid, and the president and cashier of the said bank shall have certified, in writing, to the governor and council, that the capital stock of said bank has been reduced in manner as provided by this act, then all the rights, duties and liabilities of said bank shall have relation to, and be governed by, said reduced capital stock of three million dollars; and until such reduction is made, and the certificate of the president and cashier is made as aforesaid, said bank shall continue to pay into the treasury of the Commonwealth the tax required by law upon its capital stock.

Reduction effected by extinguishment of 10,000 shares stock.

President and cashier to certify to governor.

Tax, until stock is reduced.

SECTION 3. It shall be the duty of the bank commissioners, or a majority of them, to make the examination provided for by this act, and the necessary expenses incurred by them in so doing, shall be paid by said corporation.

Bank commissioners to examine.

SECTION 4. This act shall take effect upon its passage.

Approved April 29, 1863.

[1863, 65.]

AN ACT in addition to "An Act to preserve a Record of our Soldiers and Officers." *Chap. 229*

Be it enacted, &c., as follows:

SECTION 1. The first section of an act, entitled, "An Act to preserve a Record of our Soldiers and Officers," approved March seventh, in the year eighteen hundred and sixty-three, is hereby so amended that the record required by the provisions of said first section shall, as far as practicable, state the time and place of birth, names of parents, previous occupation, term of enlistment, time of entering the service, and whether married or single, of all such soldiers and officers.

Amendment.

SECTION 2. The clerk of each city and town shall also keep a full and complete record of the names of all seamen

Clerks of cities and towns to prepare record

of seamen and
officers in U. S.
service.

and officers, residents of such cities and towns, engaged in the naval service of the United States, during the present rebellion, which record shall, as far as practicable, state the time and place of birth, name of parents, the date at which he entered such service, his previous occupation, whether he was married or single, the vessel or vessels on which he served, the battles or kind of service in which he was engaged, whether he resigned, or was discharged, or deserted, and the date of such resignation, discharge or desertion, the cause of such discharge or resignation, his promotions, and the dates, occasions and nature of the same; and, if he died in the service, it shall state the date and cause of his death; and such record shall contain any and all such other facts as relate to the naval career of such seamen or officers during such rebellion.

Record books to
be furnished at
cost.

SECTION 3. The adjutant-general shall prepare suitable blank books, in conformity with the requirements of this act, with proper blanks for marginal notes, and furnish the same to the several cities and towns at cost, on the application of the clerk thereof.

Expense of mak-
ing records.

SECTION 4. All the expenses incurred in making said records, with the cost of the record-books, shall be paid by the several cities and towns, and the records, when completed, shall be deposited and kept in the city and town clerk's office.

Repeal.

SECTION 5. The second section of chapter sixty-five of the acts of the year eighteen hundred and sixty-three, is hereby repealed.

SECTION 6. This act shall take effect upon its passage.

Approved April 29, 1863.

[1854, 435, 444; 1855, 201; 1856, 66, 279; 1857, 211, 216, 256.]

Chap. 232

AN ACT concerning the Dorchester Railway Company.

Be it enacted, &c., as follows:

Organization
confirmed.

SECTION 1. The organization of the Dorchester Railway Company, under the provisions of section seven of the two hundred and seventy-ninth chapter of the acts of eighteen hundred and fifty-six, is hereby confirmed.

Purchase of Dor-
chester Exten-
sion Co. author-
ized.

SECTION 2. The said company is hereby authorized to purchase the franchise, railroad and other property of the Dorchester Extension Railway Company, provided such purchase shall not be made until the same has been sanctioned by a majority in interest of the stockholders of both companies.

May lease or sell
road.

SECTION 3. The Dorchester Railway Company is hereby authorized to sell or lease its railroad, franchise and other

property, or any part of the same, including what they may acquire under the provisions of section second of this act, to any other horse railroad corporations in the counties of Suffolk and Norfolk, or in either of them: *provided, however*, that no such sale or lease shall be made without the sanction of a majority in interest of the stockholders of said Dorchester Railway Company, and of a majority in interest of the stockholders of the company purchasing or leasing the same; and the company purchasing or leasing the franchise and railroad of said Dorchester Railway Company, may purchase and hold any real estate in Dorchester, which may be required for their railroad purposes.

Proviso.

Company purchasing may hold estate required for their purposes.

SECTION 4. This act shall take effect upon its passage.

Approved April 29, 1863.

[1849, 46.]

AN ACT to amend the Charter of the Bay State Steamboat Company. *Chap. 233*

Be it enacted, &c., as follows:

SECTION 1. The third section of an act, entitled "An Act to incorporate the Bay State Steamboat Company," approved March twenty-second, in the year one thousand eight hundred and forty-nine, is so far amended that it shall read as follows: The said company may hold real estate, not exceeding in value one hundred thousand dollars, and personal property to an amount not exceeding four hundred thousand dollars, to be divided into such number of equal shares as the said company, by its by-laws, shall determine.

Amendment.

Real and personal estate.

SECTION 2. Whenever the said Bay State Steamboat Company shall cease to carry passengers or freight in connection with the Old Colony and Fall River Railroad, in the manner in which said business is now done, then the obligation contained in section fourth of chapter one hundred and fifty-six of the acts of the year one thousand eight hundred and sixty-one, shall be of no effect.

Provisions of act of 1861, when void.

Approved April 29, 1863.

[1863, 314.]

AN ACT to authorize the raising of Money for the Erection or Enlargement of a Jail and House of Correction in the County of Barnstable. *Chap. 237*

Be it enacted, &c., as follows:

SECTION 1. The county commissioners for the county of Barnstable are hereby authorized to borrow, on the credit of the county, a sum not exceeding thirteen thousand dollars, the same to be expended by said commissioners, or their successors in office, in erecting a suitable building for a jail and house of correction, or in enlarging the present jail, in the town of Barnstable.

County commissioners may borrow \$13,000.

May apportion
for assessment.

SECTION 2. The county commissioners for said county of Barnstable may apportion, for assessment upon the inhabitants of said county, such proportion of the sum which they may borrow under the authority of the preceding section, not exceeding three thousand dollars in any one year, as they may determine.

May sell present
lands if new site
is selected.

SECTION 3. If the said county commissioners shall determine to erect a jail and house of correction upon some other site than that of the present jail in Barnstable, they are hereby authorized to sell and execute a deed or deeds to convey the lands under and around the present jail in Barnstable, and the buildings thereon. And if said commissioners shall determine to build a jail and house of correction upon the site of the present jail, they are hereby authorized to take down the present jail, and to discontinue the same for the time being. And while a new building for the purposes of a jail and house of correction may be in process of construction, the sheriff of the county of Barnstable is authorized, whenever it shall appear to him expedient, to transfer and remove any prisoner which may be in his custody in said county to the jail or house of correction in New Bedford, in the county of Bristol. And during such time, any trial justice in any court in said county of Barnstable, may commit any persons, for detention, or under sentence, to the jail or house of correction in said New Bedford, in the same manner as they might have been committed in the county of Barnstable. And the keeper of the jail and the master of the house of correction in said New Bedford, shall receive and detain such persons in the same manner as if they had been committed by a trial justice or court in the county of Bristol. And there shall be paid to the county of Bristol by the county of Barnstable, for the support of such persons, so transferred or committed, such sum as shall be agreed upon by the county commissioners of said counties; and in case said commissioners shall not be able to agree upon the amount to be paid, representation of the facts may be made to the superior court sitting in either of said counties, and the amount to be paid shall be determined by said court.

May build on
present site.

Prisoners to be
confined at New
Bedford during
erection of jail.

County of Bristol
to be compensated.

In case of disagreement
superior court to
decide.

Repeal.

SECTION 4. The seventy-first chapter of the acts of the year eighteen hundred and sixty-two, is hereby repealed.

SECTION 5. This act shall take effect upon its passage.

Approved April 29, 1863.

[Old Colony, 1844, 150; 1845, 120, 126, 226, 241; 1846, 178; 1847, 85; 1848, 84; 1849, 163, 169, 195, 237; 1850, 260, 268; 1852, 124. Fall River, 1844, 100; 1845, 226, 234; 1846, 259; 1847, 210; 1849, 169, 198, 212; 1852, 67. O. C. & F. R., 1854, 198, 303, 324; 1858, 171. Boston Harbor, 1860, 137.]

AN ACT concerning the Old Colony and Fall River Railroad Company. *Chap. 238*
Be it enacted, &c., as follows :

SECTION 1. The Old Colony and Fall River Railroad Company are hereby authorized to re-locate at any time within two years, the extension of their railroad authorized to be built by chapter one hundred and fifty-six of the acts of the year eighteen hundred and sixty-one, entitled "An Act to extend the railroad of the Old Colony and Fall River Railroad Company to the line of the state of Rhode Island and for other purposes," from a point at or near the tunnel on the line of their present railroad in the city of Fall River, in a southerly direction through said city to the former line of the state of Rhode Island, to the terminus of a railroad now being constructed from Newport in the state of Rhode Island to the former line of the Commonwealth of Massachusetts.

Authorized to re-locate their extension.

SECTION 2. The Old Colony and Fall River Railroad Company are hereby authorized to construct their railroad at grade with the streets where the same shall cross the three following streets or ways in said Fall River: a private way or street called Matacomet Street, a private way or street, called Mill Street, and a public way or street called Broadway. And said railroad company are also hereby authorized to cross the south-easterly and the southerly portions of the American Print Works Pond on a solid filling of earth, provided the proprietors of said pond consent to such filling.

May cross at grade, certain streets in Fall River.

May cross American Print Works Pond.

Proviso.

SECTION 3. Whenever said railroad company shall re-locate the extension of their said railroad as authorized by this act, they shall surrender and abandon the location of the extension of their said railroad heretofore made and filed, by an instrument duly executed by said railroad company and filed with the clerk of the county commissioners for Bristol County; and said railroad company, shall only be liable for such damages for said first location of said extension of their railroad as shall have accrued up to the time of said surrender.

Upon re location, shall surrender previous one.

Liability for damages.

SECTION 4. When streets shall be crossed over or under the same by the railway, the grading to and from said crossing shall be made satisfactory to the city authorities of Fall River and at the expense of the railroad company; and said company shall also pay all damages to abutters on said streets, occasioned by raising or lowering the same. The

Grade at crossings over or under streets.

Damage to abutters.

said railroad company shall also make proper provision at their own expense for any obstruction to the sewerage or drainage occasioned by the construction of said railroad.

When and how to
take effect.

SECTION 5. This act shall be void unless accepted by said railroad company within six months from its passage, at a meeting of the stockholders of said railroad company legally called and held for the purpose.

SECTION 6. This act shall take effect upon its passage.

Approved April 29, 1863.

[1864, 18; 1865, 102; 1866, 97; 1867; 74, 170, 201, 271; 1868, 122, 189.]

Chap. 241

AN ACT incorporating the Union Freight Horse Railroad Company.

Be it enacted, &c., as follows :

Corporators.

Name.

Location.

Proviso.

Notice to abut-
ters.

Rates of compen-
sation.

SECTION 1. George B. Upton, Alfred C. Hersey, John L. Gardner, their associates and successors, are hereby made a corporation by the name of the Union Freight Horse Railroad Company, with power to construct, maintain and use a railway or railways, with convenient single or double tracks, commencing at some convenient point at or near the freight station of the Boston and Lowell Railroad Company, in Lowell or Brighton Streets, in the city of Boston, and continuing thence upon and over Causeway, Commercial, India, Broad, (or India, Custom House and Broad,) Federal, Kneeland and Eliot Streets, to the tracks of the Boston and Providence Railroad Company, in the city of Boston; thence upon and over such streets, in the city of Boston, as may be designated from time to time, by the mayor and aldermen of said city, with the written consent of said corporation, filed with the city clerk of said city, to the point of beginning: *provided, however*, that said tracks shall not be laid in any of the streets of said city without the consent of the said mayor and aldermen being first obtained; and *provided, also*, that in carrying out the purposes of this corporation, the route aforesaid may be varied through any streets other than those designated, by and with the consent of the mayor and aldermen of the city of Boston: and *provided, also*, that all tracks of said railroad shall be laid at such distances from the sidewalks in said city, as said mayor and aldermen shall determine to be for the public safety and convenience. Said mayor and aldermen, before proceeding to locate any tracks in any street, as aforesaid, shall give notice to the abutters thereon, by publication thereof in one or more newspapers published in said city, fourteen days at least prior to the location of any such tracks. Said corporation shall have power to fix, from time to time, such rates of compensation for transporting property thereon, as they may

think expedient, and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions set forth in the sixty-eighth chapter of the General Statutes.

Powers and duties.

SECTION 2. Said tracks or road shall be operated and used by said corporation with horse-power only. Said mayor and aldermen shall have power, at all times to make all such regulations, as to the rate of speed and mode of use of said tracks, and the form of rail to be used, as the public convenience and safety may require.

Motive power.

Rate of speed and form of rail.

SECTION 3. Said corporation shall maintain and keep in repair such portions of the streets, respectively, as shall be occupied by their tracks, and shall be liable for any loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of its agents and servants, in the management, construction or use of said tracks or road; and in case any recovery shall be had against said city of Boston, by reason of such defect, want of repair or use, said corporation shall be liable to pay to said city any sums thus recovered against them, together with all costs and reasonable expenditures, incurred by said city in the defence of any such suit or suits in which such recovery shall be had. And such corporation shall not incumber any portion of the streets not occupied by the said road or tracks.

Repairs of streets.

Liability for loss or injury.

SECTION 4. If any person shall wilfully or maliciously obstruct said corporation in the use of said road or tracks, or the passing of the cars or carriages of said corporation thereon, such persons, and all who shall be aiding or abetting therein, shall be punished by a fine not exceeding five hundred dollars, or may be imprisoned in the common jail for a period not exceeding three months. If said corporation or its agents or servants, shall wilfully and maliciously obstruct any highway, or the passing of any carriages over the same, such corporation shall be punished by a fine not exceeding five hundred dollars.

Penalty for obstructing road.

Penalty if corporation obstruct.

SECTION 5. The capital stock of said corporation shall not exceed the sum of three hundred thousand dollars, to be divided into shares of one hundred dollars each; and no shares shall be issued for a less sum to be actually paid in on each, than the par value of the shares which shall first be issued.

Capital stock.

SECTION 6. Said corporation shall have power to purchase and hold such real estate as may be necessary or convenient for the purposes and management of said road.

Real estate.

City of Boston
may purchase
franchise after
ten years.

SECTION 7. The city of Boston may at any time during the continuance of the charter of said corporation, and after the expiration of ten years from the opening of any part of said road for use, purchase of said corporation all the franchise, property, rights and furniture of said corporation, by paying them therefor such a sum as will re-imburse to each person who may then be a stockholder therein, the par value of his stock, together with a net profit of ten per cent. per annum from the time of the transfer of said stock to him, on the books of the corporation, deducting the dividends received by said stockholders thereon.

May determine
grade and man-
ner of con-
struction.

SECTION 8. The said road shall be constructed and maintained in such form and manner and upon such grade, as the said mayor and aldermen may prescribe and direct; and whenever in the judgment of said railroad corporation, it shall be necessary to alter the grade of any street occupied by it, such alteration may be made at the sole expense of said corporation: *provided*, the same shall be assented to by said mayor and aldermen.

Proviso.

Company may
connect with
steam railroads
having termini
in Boston.

SECTION 9. Said corporation may make such connection with the tracks of any of the steam railroads having a terminus in Boston, with the consent of the respective companies owning the same, and may make or allow to be made, such extension or side tracks from their tracks to and upon any wharves, and to any warehouse, mill, foundry, machine-shop, manufactory, or other industrial establishment or estate, with the consent of the owners thereof, as may be necessary or convenient for the business of the corporation: *provided, however*, that neither such consent or connection, or anything herein contained, shall authorize the corporation hereby created, to apply to the supreme judicial court, to appoint commissioners under the one hundred and seventeenth and one hundred and eighteenth sections of the sixty-third chapter of the General Statutes, or to use any steam railroad, under the provisions of said chapter; and *provided, also*, that if the owners of any wharf, shall, at their own expense, construct a track thereon, it shall be the duty of said corporation to connect the same with their road, by means of a switch, and to receive and deliver freight at said switch, and haul the same at their established rates of toll; and *provided, also*, that said corporation shall not lay down any tracks south of Kneeland Street, except for the purpose of making convenient connections north of Dover Street, with the track of any existing steam railroad; and for that purpose only.

Proviso.

SECTION 10. Said corporation may enter upon, connect their tracks with, and use any part of any other horse railroad track, with the written assent of the owners thereof, but not otherwise, and upon such terms as they may mutually agree; and thereupon may strengthen or improve such track, so as to make it suitable for the transportation of freight; and they may suffer other parties to enter upon and use or operate their road, or any part thereof, for the transportation of freight only, upon such terms as they may mutually agree. Nothing in this act contained shall authorize said corporation to enter upon and use any portion of the tracks of any other horse railroad, without the written assent of the owners thereof, and of the mayor and aldermen of said city of Boston.

May connect with other horse railroads upon consent of parties.

SECTION 11. Nothing in this act shall be construed to prevent the authorities of the city of Boston from taking up any of the public streets traversed by said railroads, for the purposes for which they may now lawfully take up the same.

Right of city to take up streets.

SECTION 12. At any time, after the expiration of one year from the opening for use of the tracks of said railroad in any street in which the same may be located, the said mayor and aldermen may determine that said track, or any part thereof, shall be discontinued; and thereupon the location shall be deemed to be revoked, and the tracks of said railroad shall forthwith be taken up and removed, in conformity with such vote or order as said mayor and aldermen may pass thereon: *provided*, that such taking up and removal shall be at the expense of said railroad company.

May discontinue tracks.

Proviso.

SECTION 13. Said corporation shall be deemed a railroad corporation, so far as to be subject to make such annual returns to the legislature, as are or may be prescribed by law; and to all general provisions of law that are or may be prescribed relative to horse or street railroads.

Company, how far deemed a railroad corporation.

SECTION 14. This act shall be void so far as relates to the right to construct said road, unless the same shall be accepted by the city council of the city of Boston, and by said corporation, and ten per cent. of the capital stock thereof be paid in, within one year from its passage.

Act void unless accepted.

SECTION 15. This act shall take effect upon its passage.

Approved April 29, 1863.

AN ACT concerning Probate Courts in the County of Plymouth.
Be it enacted, &c., as follows:

Chap. 245

SECTION 1. Probate courts within and for the county of Plymouth shall be held in each year at the times, and within

Time and places of holding courts.

the towns hereinafter mentioned, viz. : at Plymouth on the second Monday of every month, except July and August ; at Wareham on the fourth Monday of October ; at East Bridgewater on the fourth Mondays of February and December ; at Hingham on the fourth Monday of March ; at Middleborough on the fourth Mondays of April and January and second Monday of July ; at Abington on the fourth Mondays of May, August and November ; at South Scituate on the fourth Monday of June ; at Bridgewater on the fourth Monday of September.

Repeal.

SECTION 2. So much of the one hundred and seventeenth chapter of the General Statutes, as requires probate courts to be holden in the county of Plymouth otherwise than is provided in this act, is hereby repealed.

When to take effect.

SECTION 3. This act shall take effect on the first day of July next ; and all citations which have been ordered to be returned to any probate court in the county of Plymouth subsequent to said date, shall be returned to the probate court at Middleborough on the second Monday of said July and the like proceedings may be had in respect to such citations as if they had been returned as originally ordered.

Approved April 29, 1863.

[1863, 169.]

[1863, 91, 222.]

Chap. 252 AN ACT in amendment of an Act to promote Enlistments and regulate Recruiting.

Be it enacted, &c., as follows :

Unauthorized persons not to recruit; nor entice to leave the State for enlistment.

SECTION 1. It shall not be lawful for any person within this Commonwealth to recruit for or enlist in military service, or to procure persons to act as substitutes for drafted persons, except under the authority of the governor thereof, or of the government of the United States, nor to entice or solicit any person to leave the Commonwealth for the purpose of entering upon or enlisting or offering themselves as substitutes for drafted persons in any military service elsewhere. Whoever offends against the provisions of this section shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding six months.

Penalty.

SECTION 2. So much of the first section of the ninety-first chapter of the acts of the year eighteen hundred and sixty-three as is inconsistent with this act, is hereby repealed : *provided*, that the repeal thereof shall not affect any prosecutions which have been or may hereafter be instituted, for offences committed under the same prior to the passage of this act.

Repeal.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved November 17, 1863.

[1863, 218.]

AN ACT to provide for the Payment of Bounties to Volunteers and for other Purposes. Chap. 254

Be it enacted, &c., as follows :

SECTION 1. The governor shall offer and pay a bounty of three hundred and twenty-five dollars to each volunteer, who shall not elect to accept the bounty and pay provided for in the third section, and who as a part of the quota of this Commonwealth, under the call of the president, dated October seventeenth, eighteen hundred and sixty-three, shall enlist and be duly mustered into the military service of the United States, or who, as a part of said quota, shall have enlisted and been duly mustered into said service to serve for three years or during the war: *provided, however*, that the said bounty shall not be paid to any minor having parents or guardians within the Commonwealth, without the consent in writing of said parents or guardians.

Governor to offer \$325 for men to be mustered in for three years.

Provido.

SECTION 2. Said bounty shall also be paid to every citizen of Massachusetts serving in the volunteer force of any other state, and to any person being a member of any regiment, company or battery of Massachusetts volunteers, who, under the authority of the president of the United States, re-enlists and is duly mustered into the military service of the United States for three years, or during the war, as part of the quota of Massachusetts, under the proclamation of the president, dated October seventeenth, in the year one thousand eight hundred and sixty-three.

Bounty to be paid re-enlisting citizens of Massachusetts now in U. S. service.

SECTION 3. The governor is authorized to offer and pay to each volunteer who has been or shall hereafter be mustered into the military service of the United States, as provided in sections one and two, a bounty of fifty dollars, and twenty dollars monthly, so long as he shall remain in said service; and if honorably discharged, for disability, after six months' actual service, then said sum of twenty dollars monthly to be paid to him for six months thereafter. And if such volunteer shall die in the service, said sum to be paid to his widow, or, if he shall leave no widow, to his lawful heirs, for six months after his decease: *provided*, that this section shall not apply to any volunteer who shall accept the bounty provided in sections one and two; and *provided, further*, that nothing in this section shall authorize the payment of said sum of twenty dollars monthly, for a longer term than three years in the whole to any volunteer and his widow and heirs; and *provided, further*, that said monthly compensation shall be payable at the office of the treasurer of the Commonwealth.

Volunteers may receive \$50 and a monthly bounty of \$20.

Payment to continue six months after discharge or decease.

Provido.

Volunteer may
assign his bounty
or pay or receive
interest thereon.

State aid to be
paid.

Paymasters to be
appointed.

Bond required.

Pay-rolls, &c.,
to be prepared by
adjutant-general.

The treasurer to
borrow money.

SECTION 4. Any volunteer who is or shall be entitled to the bounty or pay provided in this act, may assign to the treasurer and receiver-general the whole or any part of such bounty or pay, which shall be by him received, and distributed in the manner provided for in the sixty-second chapter of the acts of the year eighteen hundred and sixty-two, and said bounty shall be held subject to the order of the volunteer, and the sum remaining in the hands of the treasurer shall draw interest at the rate of five per cent. per annum. And any party who shall become entitled to state aid under the laws of the Commonwealth may receive the same notwithstanding the bounty or increased monthly pay provided in this act.

SECTION 5. The governor is authorized to appoint, with the approval of the council, suitable persons, who may be employed to pay the bounty provided in this act; and every person who shall be entrusted with moneys, under this act, or other acts in relation to enlistments and recruiting, shall give a bond, with sufficient sureties, to be approved by the governor and council, and to be deposited with the treasurer, with condition in substance as follows: That such person and all persons employed under him shall faithfully discharge their duties and trusts; that he shall use all necessary and reasonable diligence and care in the safe keeping and lawful disposal of all sums of money, books, papers and other things appurtenant to his trust, which shall come to his hands or to the hands of the persons employed by him; that he shall, upon reasonable notice, render a true account, in the premises, whenever required by the governor; shall deliver over to the treasurer all moneys, books, papers and other things belonging to his trust; and that all balances and defalcations which shall appear against him shall be forthwith paid into the treasury of the Commonwealth.

SECTION 6. Pay-rolls and other necessary documents connected with payments of bounty, as provided in this act, shall be prepared by the adjutant-general, and be supplied by him to the several persons appointed under this act; said pay-rolls to be in duplicate, and when examined and found correct, to be deposited, one with the auditor, and one with the treasurer.

SECTION 7. The treasurer, under the direction of the governor and council, and with their consent, is required to borrow from individuals or institutions, at a rate of interest not exceeding five per centum, per annum, or from the banks at five per centum, per annum, agreeably to the provisions of section eighty-three, chapter fifty-seven, of the General Statutes, such sums of money, from time to time, as may be

temporarily necessary to carry out the provisions of this act.

SECTION 8. Residents of any town or ward of any city in this Commonwealth, enlisting in any other town or ward, shall nevertheless be counted in the quota of the town or ward of which the person enlisting is a resident, until the quota of that town or ward is filled.

Persons enlisting to be counted in quota of town or ward where residing.

SECTION 9. Whoever enlists in the military service of the United States, knowing that he is physically disqualified for such service, and with the fraudulent intent to obtain the bounty provided in this act, or any part thereof, and obtain his discharge from such service on the ground of such physical disqualification, shall be punished by imprisonment in the state prison, not exceeding ten years, or by fine not exceeding five hundred dollars, and imprisonment in the jail not more than two years.

Persons physically disqualified, who enlist with fraudulent intent, to be punished.

SECTION 10. Section three of chapter ninety-one of the acts of the current year, and so much of section two of said act as provides for the payment of a bounty of fifty dollars, are hereby repealed: *provided*, that nothing in this act shall be held to affect the rights which may have already accrued under said ninety-first chapter; and *provided, further*, that there shall be deducted from the amount paid to each volunteer, as bounty, under this act, such sum as he shall have received under chapter ninety-one of the acts of the current year.

Repeal.

Proviso.

SECTION 11. This act shall take effect upon its passage.

Approved November 18, 1863.

CHANGE OF NAMES OF PERSONS.

[In compliance with the 14th section of the 110th chapter of the General Statutes, returns of the following changes of names have been received at the Secretary's Department, as decreed by the several Judges of the Probate Courts, for their respective Counties.]

SUFFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1863.			
January 13, . . .	Einor Hanson, . . .	George Einor Swasey, . . .	Boston.
February 10, . . .	Caroline Nichols Leach, . . .	Caroline Leach Smith, . . .	Boston.
April 7, . . .	Michael Crosby, . . .	Frank Michael Crosby, . . .	Boston.
" 14, . . .	Abby Amelia Wright, . . .	Nellie Gertrude Emery, . . .	Boston.
" 28, . . .	Mary Tweed, . . .	Mary Abrend, . . .	Boston.
May 12, . . .	Jacob Corman, . . .	Jacob Corman Bopp, . . .	Boston.
June 16, . . .	Thomas Henry Woodell, . . .	Willie Chellis Rowe, . . .	Boston.
October 20, . . .	Paulina Roney, . . .	Sarah Lind Littlefield, . . .	Boston.
November 8, . . .	Edgar C. Wainwright, . . .	Edward Roberts, . . .	Boston.
December 15, . . .	Annie Murphy, . . .	Annie Maria Lincoln, . . .	Boston.

ESSEX COUNTY.

April 1, . . .	Emma Dodge, (minor,) . . .	Emma Florence Adams, . . .	Topsfield.
May 20, . . .	Mary E. Cross, (minor,) . . .	Mary Emma Delnow, . . .	Middleton.
July 1, . . .	Olive Durell Stickney, . . .	Olive Durell Little, . . .	Newbury.
October 7, . . .	William Webb, (minor,) . . .	William Webb Russell, . . .	Marblehead.

MIDDLESEX COUNTY.

February 11, . . .	Ida Peterson, . . .	Ida Augusta Kidder, . . .	Newton.
" 11, . . .	James Robbins, . . .	James Arthur Robbins, . . .	Watertown.
" 25, . . .	Charles Edward Parker, . . .	Charles Parker Spalding, . . .	Lowell.
" 25, . . .	Frederick Augustus Parker, . . .	Frederick Parker Spalding, . . .	Lowell.
" 25, . . .	Walter Hillier, . . .	Frederick Arthur Wildes, . . .	Charlestown.
March 11, . . .	Charles Gallagher, . . .	Charles Henry Reed, . . .	Somerville.
" 25, . . .	Harriet Haynes, . . .	Hattie Lambert Osgood, . . .	Hopkinton.
April 1, . . .	Francis Donovan, . . .	George Francis Parsons, . . .	Lowell.
May 6, . . .	Minnie E. Atchinson, . . .	Minnie Eveline Packard, . . .	Lowell.
September 9, . . .	Adelia B. Black, . . .	Adelia Black Williams, . . .	Reading.
October 14 . . .	Josiah Gould, . . .	Josiah Gould Chapman, . . .	Woburn.
" 28, . . .	Jenny Deloes, . . .	Jenny Delves Gibby, . . .	Lowell.
November 11, . . .	Abbie Frances Ann Libbey, . . .	Abbie Frances Ann Coburn, . . .	Cambridge.

MIDDLESEX COUNTY.—Concluded.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1863. November 11, .	Mary E. Bailey, . . .	Mary Ellen Danforth, . . .	Lowell.
11, .	John Henry Sowersby, . . .	John Henry Nichols, . . .	Somerville.
December 23, .	Emily Isabella De Blois, . . .	Emma Bertha Wilson, . . .	Framingham.

WORCESTER COUNTY.

January 1, .	Louisa Adams, . . .	Lillie Louise Page, . . .	Southborough.
February 4, .	Lizzie Adele Cowdrey, . . .	Lizzie Adele Cowdrey Warren, . . .	Lancaster.
March 4, .	Alfred Augustus Hitchcock, . . .	Alfred Orsen Hitchcock, . . .	Fitchburg.
" 4, .	Edward Wellman Hitchcock, . . .	Edward Wyman Hitchcock, . . .	Fitchburg.
" 4, .	James Wellman Hitchcock, . . .	James Ripley Wellman Hitchcock, . . .	Fitchburg.
" 4, .	Peter W. Chamberlain, . . .	Frank Wheeler, . . .	Petersham.
" 4, .	Harriet W. Chamberlain, . . .	Harriet M. Wheeler, . . .	Petersham.
" 4, .	Arthur Chamberlain, . . .	Arthur Wheeler, . . .	Petersham.
April 1, .	Ellathyna P. Muzzey, . . .	Ellathyna Lavinia Prouty, . . .	Spencer.
" 1, .	Frances Helen Griggs Pond, . . .	Frances Helen Griggs, . . .	Grafton.
May 6,] .	Jennie Elouise Stearns, . . .	Jennie Hill Munroe, . . .	Worcester.

June 3,	.	.	Albert Augustus Moore,	.	.	Albert Augustus Kidder,	.	Oxford.
" 3,	.	.	George D. Mason,	.	.	George William Cole,	.	Clinton.
July 1,	.	.	Laura Belle Bartlett,	.	.	Laura Belle Arnold,	.	Fitchburg.
" 1,	.	.	Clifford Holman Smith,	.	.	Clifford Holman Batchellor,	.	Worcester.
August 5,	.	.	Allen Richard Bennett,	.	.	George Channing Holt,	.	Royalston.
" 5,	.	.	Francis Littlefield,	.	.	Francis Roper,	.	Princeton.
September 2,	.	.	George Perry Phillips,	.	.	George Perry Clark,	.	Spencer.
" 2,	.	.	Mary Lizzie Byrnes,	.	.	Nellie Frances Ide,	.	Milford.
October 23,	.	.	Cora Adams,	.	.	Cora A. Crocker,	.	Templeton.
November 4,	.	.	Mary Ward,	.	.	Mary Ward Whitney,	.	Ashburnham.
" 4,	.	.	George Lampson Stone,	.	.	George Lampson Stone Knowlton,	.	Gardner.
December 2,	.	.	Annie Laura McNally,	.	.	Annie Laura Wood,	.	Leominster.
" 2,	.	.	Annie Harrigdon,	.	.	Lizzie Alice Sanders,	.	Worcester.
" 2,	.	.	Lizzie Hubbard Ellis,	.	.	Lizzie Ellis Hubbard,	.	Milford.
" 2,	.	.	Alfred Merriam,	.	.	Charles Alfred Merriam,	.	Worcester.
" 2,	.	.	Abby Ann Stearns,	.	.	Abby Ann Waite,	.	Fitchburg.

HAMPSHIRE COUNTY.

January 7,	.	.	Isabella P. Webster,	.	.	Isabella P. Clapp,	.	Easthampton.
February 4,	.	.	Martha E. Stebbins,	.	.	Martha Antoinette Morton,	.	Hatfield.
April 1,	.	.	Cornelia Powers,	.	.	Mary Elizabeth Powers,	.	Westfield.

HAMPDEN COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1863. February 4, . . .	Stickney, adopted, no christian name, .	Charles Stickney, . . .	Westfield.
March 4, . . .	Julena Powers, . . .	Julena Julian, . . .	Springfield.
June 17, . . .	Edward Adams Briggs, . . .	Edward Adams Bishop, . . .	Russell.
November 5, . . .	Adelbert Allyn, . . .	Albert Allyn, . . .	Holyoke.

FRANKLIN COUNTY.

August 5, . . .	Catharina Pfwsirh (or Phersy,) . . .	Catharina Niter, . . .	Shelburne.
September 9, . . .	Mary Conners, . . .	Mary Rosella Lyman, . . .	Northfield.
September 9, . . .	Georgiana Ripley, . . .	Lessie Abigail Moore, . . .	Northfield.
October 7, . . .	Mary A. Pratt, . . .	Mary Nettie Alden, . . .	Montague.
January 7, . . .	Harriet Severance, . . .	Pearl Maxwell, . . .	Charlemont.
February 11, . . .	Helen Nunny, . . .	Nellie Nunny Thompson, . . .	Buckland.

BERKSHIRE COUNTY.

March 4, . . .	Louisa Williams, . . .	Louisa Parker, . . .	Adams.
April 1, . . .	Gurdon Joyner, . . .	Gurdon Hollenbeck, . . .	Pittsfield.

May 6,	.	.	.	Elizabeth Hamlin,	.	.	.	Ida M. Rodgers,	.	.	.	Becket.
December 2,	.	.	.	Bird W. Powell,	.	.	.	Bird W. Gorham,	.	.	.	Sheffield.

NORFOLK COUNTY.

May 10,	.	.	.	Mary Elbridge Higgins,	.	.	.	Mary Livermore Stanton,	.	.	.	Roxbury.
August 16,	.	.	.	George Sumner Joy,	.	.	.	George Sumner Goldthwait,	.	.	.	Weymouth.
September 20,	.	.	.	Hannah Adelaide French,	.	.	.	Annie Adelaide French,	.	.	.	Quincy.

BRISTOL COUNTY.

January 7,	.	.	.	Lavinia Case,	.	.	.	Lavinia Knapp,	.	.	.	Taunton.
" 21,	.	.	.	Rachel Wilson,	.	.	.	Kate Mundell Jones,	.	.	.	Taunton.
April 4,	.	.	.	Unknown,	.	.	.	Lizzie B. Eddy,	.	.	.	Swansey.
August 1,	.	.	.	Alfred H. Potter,	.	.	.	Alfred H. Fisher,	.	.	.	New Bedford.
September 5,	.	.	.	George Clinton,	.	.	.	George Clinton Bliss,	.	.	.	New Bedford.
" 5,	.	.	.	Hattie Farrell,	.	.	.	Mary Elizabeth Newcomb,	.	.	.	Taunton.

PLYMOUTH COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1863.			
April 1, . . .	Julia A. Moore, . . .	Julia A. Sylvester, . . .	Hanover.
August 11, . . .	Mabel W. Leathers, . . .	Mabel W. Lowell, . . .	Abington.
October 28,. . .	Hannah C. Sears, . . .	Hannah Sears West, . . .	Rochester.

BARNSTABLE COUNTY.

May 20, . . .	Samuel Young, . . .	Edward Francis Young, . . .	Chatham.
" 20, . . .	Samuel Young, junior,. . .	Edward Francis Young, junior, . . .	Chatham.
June 17, . . .	Amanda M. Baker, . . .	Amanda Maria Skinner, . . .	Dennis.
" 17, . . .	Ida Ann Smithurst, . . .	Ida Mary Fuller, . . .	Lynn.
" 17, . . .	John Smith, 2d, . . .	John Smith Kemp, . . .	Wellfleet.
" 17, . . .	John Vira Williams, . . .	George Vira Williams,. . .	Wellfleet.

No application for change of name has been made to the Judges of Probate and Insolvency, for the Counties of Dukes and Nantucket, during the year 1862.

1864.

[1855, 269; 1856, 238; 1857, 104; 1859, 63; 1861, 98; 1862, 110; 1863, 188.]

AN ACT to extend the time for locating and constructing the Milford and Woonsocket Railroad. *Chap. 1.*

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

SECTION 1. The time for locating the Milford and Woonsocket Railroad is hereby extended one year, and the time for constructing the same is extended two years. *Time for location and construction extended.*

SECTION 2. This act shall take effect upon its passage.

Approved January 30, 1864.

[1865, 63; 1866, 4; 1867, 244, 319; 1868, 34, 222.]

AN ACT to incorporate the Boston New Church Union.

Chap. 6.

Be it enacted, &c., as follows:

SECTION 1. William J. Parsons, George T. Hawley, Edwin H. Abbot, their associates and successors, are hereby made a corporation by the name of the Boston New Church Union, for the purpose of maintaining, in the city of Boston, a religious library and reading-room, and of promoting the knowledge of Christian truths; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes. *Corporators. Name and purpose. Powers and duties.*

SECTION 2. Said corporation may hold real and personal estate, for the purposes aforesaid, in addition to said library, to an amount not exceeding fifty thousand dollars. *Real and personal estate.*

Approved February 8, 1864.

[1868, 219.]

AN ACT to incorporate the Cape Cod Glass Company.

Chap. 7.

Be it enacted, &c., as follows:

SECTION 1. Deming Jarves, James Read and Isaac Livermore, their associates and successors, are hereby made a corporation by the name of the Cape Cod Glass Company, for the purpose of manufacturing glass, in all its various forms, in the town of Sandwich; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the sixtieth and sixty-eighth chapters of the General Statutes, and in all acts passed subsequent *Corporators. Name and purpose. Location. Powers and duties.*

thereto relating to manufacturing corporations, so far as applicable hereto.

Capital stock.

SECTION 2. Said corporation may hold, for the purposes aforesaid, real estate to the amount of seventy-five thousand dollars; and the whole capital stock of said corporation shall not exceed the amount of two hundred thousand dollars, in shares of one hundred dollars each: *provided, however*, that said corporation shall not go into operation until the sum of one hundred thousand dollars of its capital stock has been paid in, in cash.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved February 8, 1864.

Chap. 8.

AN ACT to incorporate the Eliot Five Cents Savings Bank.

Be it enacted, &c., as follows:

Corporators.

James Ritchie, George Putnam, William S. Leland, their associates and successors, are hereby made a corporation by the name of the Eliot Five Cents Savings Bank, to be established and located in the city of Roxbury; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the fifty-seventh chapter of the General Statutes, and in all other laws relating to savings banks.

Name.

Location.

Powers and duties.

Approved February 8, 1864.

[1824, 143; 1844, 74.]

Chap. 9.

AN ACT to continue in force an Act to incorporate the Boylston Fire and Marine Insurance Company, and for other purposes.

Be it enacted, &c., as follows:

Corporate powers continued without limitation of time.

SECTION 1. The act of the year one thousand eight hundred and twenty-four, chapter one hundred and forty-three, entitled "An Act to incorporate the Boylston Fire and Marine Insurance Company," the act of the year one thousand eight hundred and forty-four, chapter seventy-four, entitled "An Act to continue the Boylston Fire and Marine Insurance Company, and for other purposes," and all acts and parts of acts in amendment thereof, or in addition thereto, shall be continued and remain in force from and after the twenty-sixth day of February, in the year one thousand eight hundred and sixty-five.

Powers and duties.

SECTION 2. The said corporation shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the general laws relating to such corporations, which are or may be in force, in the same manner as if the original charter had been granted after the eleventh day of March, in the year one thousand eight hundred and thirty-one.

Approved February 8, 1864.

[1851, 277; 1852, 205; 1853, 302, 361; 1854, 32; 1856, 86; 1858, 91; 1860, 38.]

AN ACT concerning the Amherst, Belchertown and Palmer Railroad Company. *Chap. 10.*

Be it enacted, &c., as follows :

SECTION 1. The Amherst, Belchertown and Palmer Railroad Company is hereby authorized to extend its railroad from a point at or near the present station in the village of Amherst, through the towns of Amherst, Leverett, Sunderland and Montague, to the most convenient point of intersection with the Vermont and Massachusetts Railroad; and for that purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, provided in chapter two hundred and seventy-seven of the acts of the year eighteen hundred and fifty-one, and in the General Statutes relating to railroad corporations: *provided*, the location of the extension of said railroad shall be filed agreeably to the General Statutes, and said extension constructed within two years from the passage of this act.

May extend its road to intersect with Vt. and Mass. R. R.

Powers and duties.

Proviso.

SECTION 2. The Amherst, Belchertown and Palmer Railroad Company is hereby authorized to sell or lease its railroad and franchise to the New London Northern Railroad Company upon such terms and conditions as shall be decided upon by a majority of the stockholders present and voting at a legal meeting of said company called for that purpose. The New London Northern Railroad Company is hereby authorized and empowered by a vote of a majority of the stockholders present and voting at a legal meeting of said company, called for that purpose, to purchase or lease the railroad and franchise of the Amherst, Belchertown and Palmer Railroad Company. If said railroad and franchise be so leased or purchased, the New London Northern Railroad Company shall have all the rights and privileges, and be subject to all the restrictions, duties and liabilities, set forth in the charter of the Amherst, Belchertown and Palmer Railroad Company.

May sell or lease road and franchise.

New London Northern R. R. Co. may purchase or lease.

SECTION 3. The New London Northern Railroad Company and the Amherst, Belchertown and Palmer Railroad Company, are hereby authorized to unite with each other within two years from the passage of this act, upon such terms, not inconsistent with the provisions of their respective charters or the acts in addition to the same, nor with the laws of this Commonwealth, as the stockholders of the respective corporations present and voting at legal meetings called for that purpose, at which a quorum shall be present, shall determine; and thereupon, said two corporations shall become one corporation, under the name of the New London

N. L. N. and A. B. and P. Companies may unite and consolidate.

Name of new corporation.

May issue bonds for construction, authorized in first section.

Northern Railroad Company, with a capital stock not exceeding the joint capital of the two corporations; and said corporation is hereby authorized, for the purpose of constructing the section of railroad described in the first section of this act, and for other purposes, to issue bonds for an amount not exceeding three hundred thousand dollars, at a rate of interest not exceeding six per cent. per annum, and to secure said bonds by a mortgage upon their railroad, its franchise and property.

Rights, duties and franchises of new corporation.

SECTION 4. The corporation thus formed shall have all the powers, rights, property and franchise which the respective corporations severally have at the time when they unite, and shall be subject to all the liabilities, duties and restrictions, to which said corporations may be severally subject.

Annual reports.

SECTION 5. The annual reports made by said new corporation to the legislature of this Commonwealth, shall show the amount of expenditure, receipts and profits, which belong to the parts of its road situate in the different states respectively.

SECTION 6. This act shall take effect upon its passage.

Approved February 8, 1864.

[1864, 184; 1866, 5; 1867, 76, 140; 1868, 239.]

[1861, 109.]

Chap. 11. AN ACT to authorize the Town of Brewster to take Stock in the Cape Cod Central Railroad Company.

Be it enacted, &c., as follows:

May hold stock to amount of \$25,000.

SECTION 1. The town of Brewster is hereby authorized to subscribe for and hold shares in the capital stock of the Cape Cod Central Railroad Company, to the amount of twenty-five thousand dollars, and to pay for the same out of the treasury of the town, and to hold the same as town property, subject to the disposition of the town for public purposes, in like manner as any other property which it may possess.

May raise money upon bonds, or by loan or tax.

SECTION 2. The said town of Brewster is hereby authorized to raise, by issuing its bonds, or by loan or tax, any sums of money which shall be required to pay its instalments, or its subscriptions to said stock and interest thereon.

Committee, in behalf of town, may subscribe for shares.

SECTION 3. The committee appointed by a vote of said town of Brewster, to petition this legislature for the authority granted in the first and second sections of this act, is hereby authorized to subscribe, in behalf of said town, for the number of shares in the capital stock of said Cape Cod Central Railroad Company, as voted by said town at a meeting held on the twenty-fifth day of July, eighteen hundred and sixty-three; and said committee, or any future committee appointed by said town for the purpose, is hereby further

May cast vote of town for directors.

authorized to cast the vote of said town in the choice of directors for said road, and to do all other acts in behalf of said town pertaining to said railroad, authorized by said vote of said town.

SECTION 4. This act shall take effect upon its passage.

Approved February 8, 1864.

AN ACT to incorporate the New Bedford and New York Steam Propeller Company. Chap. 12.

Be it enacted, &c., as follows:

SECTION 1. Sylvanus Thomas, Edward D. Mandell, Otis Seabury, their associates and successors, are hereby made a corporation by the name of the New Bedford and New York Steam Propeller Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the general laws, which now are or hereafter may be in force relating to such corporations.

Corporators.

Name.

Powers and duties.

SECTION 2. Said corporation is hereby authorized and empowered to build, purchase, charter, hold and convey one or more steamships or steam propellers, and to employ the same in the business of transporting passengers and freight between the ports of New Bedford and New York, with liberty to touch at intermediate ports.

May own and use steamships.

SECTION 3. The capital stock of said corporation shall not exceed one hundred and fifty thousand dollars, and shall be divided into shares of the par value of one hundred dollars each. Said corporation shall have power to assess, from time to time, upon said shares, such sums as may be deemed necessary to accomplish its object, not exceeding the par value of said shares. No certificate of stock shall be issued until the par value thereof shall have been actually paid in, and no business shall be transacted by said corporation until at least seventy-five thousand dollars of its capital stock shall have been subscribed.

Capital stock and shares.

Corporation may assess upon shares.

When may issue stock and commence business.

SECTION 4. If said corporation shall not, within one year from the passage hereof, have been organized and have collected by assessment an amount equal at least to fifty per cent. of its capital stock subscribed, and shall not, within two years from the passage of this act, have one or more steamships or steam propellers employed in the transportation of passengers and freight between said ports of New Bedford and New York; or if said corporation shall thereafter fail, for the period of one year, so to employ one or more steamships or steam propellers in said business, then this act shall be null and void.

Organization and operation; limitation of time for and payment of, capital.

SECTION 5. This act shall take effect upon its passage.

Approved February 8, 1864.

Chap. 13. AN ACT to change the Name of the Congregational Society of the Third Parish of Roxbury.*Be it enacted, &c., as follows :***Name changed.**

SECTION 1. The Congregational Society of the Third Parish in Roxbury shall hereafter be called and known by the name of the First Congregational Society of Jamaica Plain.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1864.

[1833, 84.]

Chap. 14. AN ACT to change the Name and amend the Act of incorporation of the Second Baptist Society in Taunton.*Be it enacted, &c., as follows :***Name changed.**

SECTION 1. The Second Baptist Society in Taunton shall hereafter be called and known by the name of the Winthrop Street Baptist Society.

\$60,000 in real estate.

SECTION 2. Chapter eighty-four of the acts of the year eighteen hundred and thirty-three, entitled "An Act to incorporate the Second Baptist Society in Taunton," is hereby so amended as to permit said society to hold real estate not exceeding sixty thousand dollars in value.

*Approved February 8, 1864.***Chap. 16.** AN ACT to incorporate the North Easton Savings Bank.*Be it enacted, &c., as follows :***Corporators.****Name and location.****Powers and duties.**

SECTION 1. Oliver Ames, junior, A. A. Gilmore, John H. Swain, their associates and successors, are hereby made a corporation by the name of the North Easton Savings Bank, to be established and located in that part of the town of Easton called North Easton ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the fifty-seventh chapter of the General Statutes, and in all other laws of this Commonwealth relating to institutions for savings.

SECTION 2. This act shall take effect upon its passage.

*Approved February 8, 1864.***Chap. 17.** AN ACT to authorize Joseph O. Proctor to extend his Wharf in Gloucester.*Be it enacted, &c., as follows :***May extend wharf in Gloucester.**

Joseph O. Proctor, proprietor of a wharf in Gloucester, situated in that part of the town known as Harbor Cove, is hereby authorized to extend and maintain said wharf, not exceeding fifty-five feet in width, seventy-five feet in a north-easterly direction into said cove, with the right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor : *provided, however,* that if a channel line

Proviso.

is hereafter duly established by authority of law in the harbor of said Gloucester, said wharf shall not be maintained beyond said line : and *provided further*, that this grant shall in no wise impair the legal rights of any person.

Approved February 8, 1864.

[1863, 238.]

AN ACT to authorize the Old Colony and Newport Railway Company to cross certain Streets in Fall River, at Grade. *Chap. 18.*

Be it enacted, &c., as follows :

SECTION 1. The Old Colony and Newport Railway Company is hereby authorized to construct the extension of its railroad, authorized to be built by chapter one hundred and fifty-six of the acts of the year eighteen hundred and sixty-one, entitled "An Act to extend the Railroad of the Old Colony and Fall River Railroad Company to the line of the State of Rhode Island, and for other purposes," and by chapter two hundred and thirty-eight of the acts of the year eighteen hundred and sixty-three, entitled "An Act concerning the Old Colony and Fall River Railroad Company," across a public street or way called Ferry Street, and a public street or way called Eagle Street, in the city of Fall River, at or near their junction, on a level with said streets or ways, and at grade therewith.

May construct across Ferry and Eagle Streets.

SECTION 2. This act shall take effect upon its passage.

Approved February 10, 1864.

[1865, 102; 1866, 97; 1867, 74, 170, 201; 1868, 122, 189.]

[1846, 247; 1847, 101; 1848, 34; 1849, 18; 1850, 4; 1851, 34, 78; 1852, 178; 1853, 19, 185; 1855, 483; 1860, 20.]

AN ACT to authorize the Fitchburg and Worcester Railroad Company to issue First Class Preferred Stock. *Chap. 19.*

Be it enacted, &c., as follows :

SECTION 1. The Fitchburg and Worcester Railroad Company are hereby authorized to issue four hundred and forty-seven shares of first class preferred stock in addition to the two thousand and fifty-three shares of the same class of stock heretofore authorized by law ; the stock authorized to be issued by this act shall be exchanged at par for the second class preferred stock, and the outstanding original stock of said company heretofore issued.

May issue additional preferred stock.

To be exchanged at par for former issues.

SECTION 2. This act shall not take effect until approved by three-fourths of the stockholders present and voting, at a meeting legally called for that purpose.

When to take effect.

Approved February 12, 1864.

[1867, 235.]

[1822, 48; 1825, 46; 1826, 113; 1859, 59; 1860, 127.]

Chap. 20. AN ACT to change the Name of the Chicopee Manufacturing Company.
Be it enacted, &c., as follows :

Name changed to
Ellerton Mills.

SECTION 1. The Chicopee Manufacturing Company shall hereafter be called and known by the name of the Ellerton Mills.

SECTION 2. This act shall take effect upon its passage.

Approved February 12, 1864.

[1868, 88.]

[1860, 119.]

Chap. 21. AN ACT to authorize William H. Friend and another to build a Wharf in Gloucester.

Be it enacted, &c., as follows :

May build wharf
in Gloucester.

SECTION 1. William H. Friend and Lemuel Friend, junior, owners of land and flats on Vincent's Point in Gloucester, are hereby authorized to build and maintain a wharf in said Gloucester, adjacent to their land and flats aforesaid, between the wharves of John Pugh on the east, and Samuel R. Lane on the west, and extending not more than two hundred feet in length, by not more than forty feet in width, in a southeasterly direction from high-water mark towards the channel; with a right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however,* that if a channel line is hereafter duly established by authority of law in the harbor of said Gloucester, said wharf shall not be maintained beyond such line; and *provided, also,* that this grant shall in no wise impair the legal rights of any person.

Wharfage and
dockage.
Provisos.

Approved February 12, 1864.

[1836, 237.]

Chap. 22. AN ACT to continue in force an Act incorporating the Mechanics' Mutual Fire Insurance Company.

Be it enacted, &c., as follows :

Corporate powers
continued with-
out limitation of
time.

The act of the year one thousand eight hundred and thirty-six, incorporating the Mechanics' Mutual Fire Insurance Company, in Boston, with any acts in addition thereto, or in amendment thereof, shall be continued in force from and after the fifteenth day of April, in the year one thousand eight hundred and sixty-four; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the general laws which now are or hereafter may be in force, relating to such corporations.

Approved February 12, 1864.

[1830, 9; 1839, 23; 1848, 17; 1850, 65.]

AN ACT in addition to an Act to incorporate the Middlesex Company. *Chap. 23.*
Be it enacted, &c., as follows :

SECTION 1. The Middlesex Company is hereby authorized to increase its capital stock to an amount not exceeding one million dollars. Additional capital stock.

SECTION 2. This act shall take effect upon its passage.
Approved February 12, 1864.

[1863, 27.]

AN ACT in addition to an Act to incorporate the Hyde Park Woollen Company. *Chap. 24.*

Be it enacted, &c., as follows :

SECTION 1. The Hyde Park Woollen Company is hereby authorized to increase its capital stock by adding thereto an amount not exceeding one hundred and fifty thousand dollars, in shares of one hundred dollars each. \$150,000 additional capital stock.

SECTION 2. This act shall take effect upon its passage.
Approved February 12, 1864.

[Special Laws, vol. 1, p. 371.]

AN ACT in relation to the Congregational Society in the First Precinct in the Town of Rehoboth. *Chap. 25.*

Be it enacted, &c., as follows :

SECTION 1. The Congregational Society, in the first precinct in the town of Rehoboth, commonly known as the Congregational Society in the town of Seekonk, incorporated on the twenty-third day of June, in the year one thousand seven hundred and ninety-two, shall hereafter be known and called by the name of the Congregational Society in the town of Seekonk. Name changed.

SECTION 2. All acts and transactions heretofore done by said society, under the name of the Congregational Society in the town of Seekonk, are hereby made valid and confirmed to the same extent as they would have been, had said acts been done under the name of the Congregational Society in the first precinct in the town of Rehoboth. Acts and titles confirmed.

SECTION 3. Said society shall have the right and privilege of holding its meetings for the choice of its officers, or transaction of any other business, in its meeting-house, situated in the town of East Providence, in the state of Rhode Island. May hold society meetings in E. Providence, R. I.

SECTION 4. This act shall take effect upon its passage.
Approved February 12, 1864.

[1861, 22.]

Chap. 26. AN ACT in addition to an Act to incorporate the Real Estate and Building Company.*Be it enacted, &c., as follows:*

May purchase and improve additional real estate.

The Real Estate and Building Company is hereby authorized and empowered to purchase additional real estate in the towns of Dorchester, Milton and Dedham, within two miles of the factory of the Hyde Park Woollen Company, not exceeding five hundred acres, and to sell, lease and improve the same, and to perform such other legal acts as may be necessary to accomplish said objects; subject, however, to the provisions of the charter of said company not inconsistent with this act, and to all general laws which are or may be in force, relating to such corporations.

Approved February 12, 1864.

[1856, 16.]

Chap. 27. AN ACT to authorize the Simpson's Patent Dry Dock Company to build a Wharf in East Boston.*Be it enacted, &c., as follows:*

May build wharf in East Boston.

The Simpson's Patent Dry Dock Company, proprietors of lands and flats situate on Marginal Street, in that part of Boston called East Boston, are hereby authorized to build and maintain a wharf adjacent to their lands and flats aforesaid, and not less than forty feet distant from the westerly line thereof, and extending to the commissioners' line; with a right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor; but no part of said wharf shall extend beyond said line: *provided*, that this grant shall in no wise impair the legal rights of any person.

Approved February 12, 1864.

[1857, 256.]

Chap. 30. AN ACT concerning the Dorchester and Roxbury Railroad Company.*Be it enacted, &c., as follows:*

May sell franchise and property to certain other corporations.

Proviso.

SECTION 1. The Dorchester and Roxbury Railroad Company is hereby authorized to sell its rights, franchise, railroad and other property to any other horse railroad corporation in the counties of Suffolk and Norfolk, or in either of them: *provided, however*, that no such sale shall be made without the sanction of a majority in interest of the stockholders of said Dorchester and Roxbury Railroad Company, and that the purchase shall not be made by any other horse railroad company, without the approval of a majority of the stockholders present and voting thereon, at a meeting of stockholders called for that purpose.

In case of sale, corporations to be consolidated.

SECTION 2. If the Dorchester and Roxbury Railroad Company shall sell their rights, franchise, railroad and

other property to any other horse railroad corporation, said two corporations shall thereupon become one corporation under the corporate name of the purchasing company; and all the powers and privileges now enjoyed by said two corporations, excepting the power of the Dorchester and Roxbury Railroad Company to issue capital stock, and all the restrictions, duties and liabilities imposed upon said two corporations, by virtue of their respective charters, shall appertain to said united corporation; and said united corporation shall be subject to all general provisions of law that are or may hereafter be in force relative to horse railroad corporations.

Powers and duties.

SECTION 3. The rights of any creditor of the Dorchester and Roxbury Railroad Company or the rights of any other person or corporation shall not be affected by the sale herein authorized; nor shall the amount of capital stock issued to represent the property after its sale be greater than the sum actually paid in cash for the property, nor greater than the amount which now represents said property.

Rights of creditors and others not to be affected.

Limitation of capital stock.

SECTION 4. This act shall take effect upon its passage.

Approved February 16, 1864.

AN ACT to confirm certain Acts done by James Rice as a Justice of the Peace. *Chap. 31.*

Be it enacted, &c., as follows:

SECTION 1. All acts done by James Rice, of Boston, esquire, as a justice of the peace, within and for the county of Suffolk, between the thirty-first day of December, in the year one thousand eight hundred and sixty-two, and the fifteenth day of December, in the year one thousand eight hundred and sixty-three, are hereby confirmed and made valid to the same extent as they would have been valid, had he been during that interval duly qualified to discharge the duties of the said office.

Acts confirmed as justice of the peace.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1864.

[1844, 20; 1847, 87; 1849, 238.]

AN ACT in addition to an Act to incorporate the Lancaster Mills. *Chap. 32.*

Be it enacted, &c., as follows:

SECTION 1. The Lancaster Mills are hereby authorized to exercise their corporate franchise in the town of Boylston, as well as in the town of Clinton.

May exercise functions in Boylston.

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1864.

Chap. 33.AN ACT to incorporate the *Ætna Mills*.*Be it enacted, &c., as follows :*

Corporators.

Name and purpose.

Location.

Powers and duties.

Real estate.

Capital stock and shares.

Proviso.

SECTION 1. Arthur Pickering, Josiah Stickney, William F. Freeman, their associates and successors, are hereby made a corporation by the name of the *Ætna Mills*, for the manufacture of woolen and other textile and mixed fabrics, and for the preparation of coloring materials and dyestuffs, and for the manufacture of woolen machinery, and machines for the preparation of coloring materials and dyestuffs, in the towns of Watertown and Newton, in the county of Middlesex; and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the general laws which now are or may hereafter be in force, relating to manufacturing corporations.

SECTION 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of two hundred thousand dollars; and the whole capital stock of said corporation shall not exceed three hundred thousand dollars, in shares of one hundred dollars each: *provided, however*, that said corporation shall not go into operation until the sum of one hundred thousand dollars of its capital stock has been paid in, in cash.

SECTION 3. This act shall take effect upon its passage.

Approved February 16, 1864.

[1860, 118.]

Chap. 34.

AN ACT to authorize Amos A. Story to extend his Wharf in Gloucester.

Be it enacted, &c., as follows :

May extend wharf in Gloucester.

Amos A. Story, proprietor of a wharf in Gloucester, situated in that part of said Gloucester known as Eastern Point, is hereby authorized so extend and maintain said wharf in its present width in a north-westerly direction into the cove, with a right to lay vessels at the end and sides thereof, and to receive wharfage and dockage therefor: *provided, however*, that said wharf shall not extend a distance in the whole of more than three hundred feet from the main road or high-water mark; and *provided, also*, that this grant shall in no wise impair the legal rights of any person.

Approved February 16, 1864.

Chap. 35.

AN ACT to authorize James H. Tripp and others to extend their Wharf in Chatham.

Be it enacted, &c., as follows :

May extend wharf in Chatham.

James H. Tripp, Collins Howes, junior, and Asa Nye, junior, proprietors of a wharf in Chatham, at a place called Harding's Beach, are hereby authorized to extend said wharf

twenty-five feet, with the right to lay vessels at the end and sides thereof, and to receive wharfage and dockage therefor: *provided*, that this grant shall in no wise impair the legal rights of any person.

Approved February 16, 1864.

[1861, 185.]

AN ACT in relation to the Mutual Protection Fire Insurance Company. *Chap. 36.*

Be it enacted, &c., as follows:

SECTION 1. Chapter one hundred and eighty-five of the acts of the year eighteen hundred and sixty-one is hereby revived and continued in force; and the Mutual Protection Fire Insurance Company, incorporated by said chapter, shall have all the powers and privileges and be subject to all the duties, liabilities and restrictions contained in all general laws which now are or may hereafter be in force relating to such corporations. *Charter revived.*

SECTION 2. Section second of said chapter is hereby repealed. *Repeal.*

SECTION 3. This act shall take effect upon its passage.

Approved February 16, 1864.

[1846, 98; 1853, 24; 1860, 66.]

AN ACT to increase the Capital Stock of the Charlestown Gas Company. *Chap. 37.*

Be it enacted, &c., as follows:

SECTION 1. The Charlestown Gas Company is hereby authorized to increase its capital stock, by an amount not exceeding one hundred thousand dollars, at such times and in such sums as the directors may determine. And said company is also authorized to hold real estate to an amount not exceeding fifty thousand dollars, in addition to the amount heretofore authorized by chapter ninety-eight of the acts of the year eighteen hundred and forty-six. *Capital stock increased. \$50,000 in real estate.*

SECTION 2. This act shall take effect upon its passage.

Approved February 16, 1864.

[1848, 1; 1861, 73.]

AN ACT to continue in force the "Act to incorporate the Howard Fire Insurance Company." *Chap. 38.*

Be it enacted, &c., as follows:

The act of the year one thousand eight hundred and forty-eight, entitled "An Act to incorporate the Howard Fire Insurance Company," and the act in addition thereto passed in the year one thousand eight hundred and sixty-one, shall be, remain and continue in force from and after the thirty-first day of January, in the year one thousand eight hundred and sixty-eight. And said company shall continue from and after said thirty-first day of January to *Corporate powers continued without limitation of time.*

be a corporation under the name of the Howard Fire Insurance Company, with all the powers and privileges, and subject to all the duties and liabilities set forth in the general laws which now are or may hereafter be in force in relation to such corporations.

Approved February 18, 1864.

Chap. 39.

AN ACT to incorporate the Washburn Iron Company.

Be it enacted, &c., as follows :

Corporators.

Name and purpose.

Powers and duties.

Real estate.

Capital stock.

Proviso.

SECTION 1. Nathan Washburn, Isaac Davis and Edward L. Davis, their associates and successors, are hereby made a corporation, by the name of the Washburn Iron Company, for the purpose of manufacturing iron and steel in the city of Worcester; and for this purpose shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in the general laws, which now are or hereafter may be in force relating to such corporations.

SECTION 2. The said corporation may hold, for the purposes aforesaid, real estate to the amount of four hundred thousand dollars; and the whole capital stock of said corporation shall not exceed five hundred thousand dollars, in shares of one hundred dollars each: *provided, however,* that said corporation shall not go into operation until the sum of one hundred thousand dollars of its capital stock has been paid in, in cash.

SECTION 3. This act shall take effect upon its passage.

Approved February 18, 1864.

[1863, 90.]

Chap. 40. AN ACT to revive "An Act concerning the Essex Railroad Company and the Eastern Railroad Company."

Be it enacted, &c., as follows :

Act revived and time extended.

Chapter ninety of the acts of the year eighteen hundred and sixty-three, entitled "An Act concerning the Essex Railroad Company and the Eastern Railroad Company," is hereby revived, and the time limited in the first section of said act is hereby extended two years from the passage of this act.

Approved February 18, 1864.

[1865, 141; 1866, 58, 107, 278; 1867, 112, 170, 216, 287, 335, 337, 342; 1868, 58, 89, 118, 261, 348.]

[1838, 34; 1845, 19; 1848, 43.]

Chap. 41.

AN ACT to annul the Charter of the Clinton Company.

Be it enacted, &c., as follows :

Charter annulled.

The charter of the Clinton Company, upon the petition of said corporation, is hereby annulled; and chapter thirty-four of the acts of the year eighteen hundred and thirty-eight, entitled "An Act to incorporate the Clinton Com-

pany," and the several acts in addition thereto, are hereby repealed: subject, however, to the provisions of the sixty-eighth chapter of the General Statutes applicable thereto.

Approved February 18, 1864.

AN ACT to incorporate the Rollin White Arms Company.

Chap. 42.

Be it enacted, &c., as follows:

SECTION 1. Rufus S. Lewis, John Tripp, David C. Rogers, their associates and successors, are hereby made a corporation, by the name of the Rollin White Arms Company, to be established in the city of Lowell, for the purpose of manufacturing and selling fire-arms, machinery and tools; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the general laws, which now are or may hereafter be in force relating to manufacturing corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. The capital stock of said corporation shall not exceed three hundred thousand dollars, in shares of one hundred dollars each: *provided, however*, that said corporation shall not go into operation until fifty thousand dollars of its capital has been paid in, in cash.

Capital stock.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved February 18, 1864.

[1866, 256.]

[1851, 263.]

AN ACT to authorize the Faneuil Hall Bank to hold Real Estate.

Chap. 43.

Be it enacted, &c., as follows:

SECTION 1. The President, Directors, and Company of the Faneuil Hall Bank are hereby authorized to take and to hold real estate to the value of eighty thousand dollars, for the convenient transaction of their business.

May hold \$80,000 in real estate.

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1864.

[1847, 194.]

AN ACT to regulate the Oyster Fishery in the Town of Somerset.

Chap. 44.

Be it enacted, &c., as follows:

SECTION 1. The town of Somerset shall have the exclusive control of the oyster fishery in that part of Taunton River within the limits of said town, and may sell at public or private sale as said town may legally determine, the right or privilege of taking oysters within the limits of said town, for a term of not less than three nor more than ten years at any one term; and all moneys arising from said sale or sales shall be paid unto the treasurer of said town for its use; subject however, to all the restriction, obligations, regula-

Town to have control and disposition within own limits.

Disposition of proceeds of sales.

tions and penalties, not inconsistent with this act, contained in chapter one hundred and ninety-four of the acts of the year eighteen hundred and forty-seven, entitled "An Act to define the limits of certain towns on Taunton Great River and concerning the Oyster Fishery therein."

SECTION 2. This act shall take effect upon its passage.

Approved February 18, 1864.

[1863, 160, 177.]

Chap. 45. AN ACT to authorize the Commissioners of the County of Plymouth to purchase, sell or lease certain common and undivided Lands in the Town of Hull.

Be it enacted, &c., as follows:

Commissioners may pay for lands, and receive and make conveyances.

SECTION 1. The county commissioners of the county of Plymouth, and their successors in office, are hereby authorized to purchase the whole or any part of the common and undivided lands, and rights therein, in the town of Hull, in said county, of the "Proprietors of Common and Undivided Lands in the town of Hull," to receive conveyances thereof in behalf of said county, and to pay for the same from the treasury of said county, and for and in behalf and in the name of said county, to sell, convey or lease the whole or any part of such lands as they shall purchase as aforesaid.

Conveyances to be by quitclaim.

SECTION 2. Said county commissioners and their successors in office shall not covenant to bind, and said county shall not be bound, by any covenants other than that of quitclaim and release of such title as they may obtain from their grantors.

No permit for removal of beach material to be granted.

SECTION 3. Neither said commissioners nor the grantees of said county shall remove or give the right to any person to remove any sand, gravel or stones from the beaches comprising a part of any lands which said commissioners shall purchase as aforesaid.

SECTION 4. This act shall take effect upon its passage.

Approved February 19, 1864.

[1864, 50; 1868, 297.]

[1810, 94; 1819, 156; 1821, 82.]

Chap. 46. AN ACT concerning the Massachusetts General Hospital.

Be it enacted, &c., as follows:

Governor to appoint trustees, annually.

SECTION 1. The governor with the advice and consent of the council, shall annually, as soon as may be after the first Wednesday in February, appoint four trustees of the Massachusetts General Hospital, who shall hold their offices for one year, or until the appointment of their successors; and in case of the occurring of any vacancy by death or resignation among the trustees so appointed, the governor may,

with the advice and consent of the council, fill such vacancy.

SECTION 2. So much of the ninety-fourth chapter of the acts of the year eighteen hundred and ten, and of the thirty-first chapter of the acts of the year eighteen hundred and nineteen, as authorize the appointment of trustees of said hospital by the board of visitors thereof, are hereby repealed.

SECTION 3. This act shall not take effect until it has been accepted by the Massachusetts General Hospital, at a meeting of the corporation specially called for the purpose.

Approved February 25, 1864.

[1861, 222; 1862, 66, 166; 1863, 38, 58, 79, 122, 176, 218, 222.]

AN ACT in further addition to "An Act in aid of the Families of Volunteers." Chap. 47.

Be it enacted, &c., as follows:

SECTION 1. Any town or city may raise money, by tax or otherwise, and apply the same in aid of the wife, child, parent, brother and sister of, and dependent upon, any person who, as a part of any quota of this Commonwealth, and of said town or city, has been or shall be duly enlisted and mustered into the military service of the United States, as a member of the regular army of the United States, in the same manner, and under the same restrictions and provisions of law, as money is now raised and applied to the aid of families and dependents of members of any regiment, company or battery of Massachusetts volunteers.

SECTION 2. The provisions of chapter seventy-nine of the laws of eighteen hundred and sixty-three, shall be, and the same hereby are, so extended as to authorize aid, under the provisions and restrictions of said chapter, to the families and dependents of deceased soldiers, who may have died after their discharge at the expiration of their term of service, but in consequence of diseases or injury contracted or received in the service, and existing at the time of discharge; and also to the families and dependents of disabled soldiers, who may have been discharged at the expiration of their terms of service, but not by reason of said disability: *provided, however*, that said disability was contracted in, or caused by, said service, and existed at the time of discharge.

SECTION 3. Any town or city may raise and apply money as aforesaid to the aid of the wife, child, parent, brother and sister of, and dependent upon, any person, whether an inhabitant of said town or city or not, who has been or shall be duly enlisted and mustered into the service of the United States as a part of any quota of this Commonwealth, and of said town or city: *provided, however*, that no aid shall be

Repeal.

When to take effect.

Towns and cities may raise and apply money for aid to families of volunteers in regular army.

Act of '63 extended to authorize aid to families of soldiers who die after discharge, from disease or injury contracted or received in service.

Proviso.

Towns and cities may raise and apply money

Proviso.

rendered under the provisions of this act to any person who does not reside within the United States, and that all other restrictions, limitations and provisions of law now in force shall apply to aid thus furnished.

Laws for payment of aid may be construed retroactively.

Proviso.

Provisions of Act of '62 concerning re-imbusement to apply.

SECTION 4. This act, and the several laws now in force in aid of the families of volunteers and drafted men, may be so construed as to authorize the payment of aid retroactively, so as to include any aid to which any person might have been entitled if seasonably applied for, prior to the application for the same: *provided, however*, that such retroactive payment shall not extend beyond the period of six months prior to said application.

SECTION 5. All the provisions of the fourth and fifth sections of chapter sixty-six of the laws of the year one thousand eight hundred and sixty-two, concerning the re-imbusement of money from the state treasury, shall be applicable to the money applied under the provisions of this act.

SECTION 6. This act shall take effect upon its passage.

Approved February 29, 1864.

[1864, 48, 65, 84, 130, 143, 211, 292; 1865, 82, 151, 180, 235; 1866, 172, 282; 1867, 136; 1868, 107, 115.]

[1864, 47.]

Chap. 48. AN ACT in addition to "An Act to provide for the Payment of Bounties to Volunteers, and for other Purposes."

Be it enacted, &c., as follows:

Soldiers in the regular army under call of Oct. '63, entitled to same bounty and pay as if in Mass. Volunteers.

SECTION 1. Any person who as a part of the quota of this Commonwealth, under the call of the president, dated October seventeenth, eighteen hundred and sixty-three, has been or shall be duly enlisted and mustered into the military service of the United States, as a member of the regular army of the United States, shall be entitled to the same bounty and pay as if he had been mustered into said service as a member of any regiment, company or battery of Massachusetts volunteers; and the provisions of chapter two hundred and fifty-four of the laws of the year eighteen hundred and sixty-three, authorizing bounty and pay, shall be applicable to persons thus enlisted and mustered into the regular army of the United States.

SECTION 2. This act shall take effect upon its passage.

Approved February 29, 1864.

[1839, 129; 1844, 118; 1858, 74.]

Chap. 51. AN ACT concerning the New England Mutual Marine Insurance Company in Boston.

Be it enacted, &c., as follows:

When profits exceed \$500,000, company may

Whenever the profits arising from the business of the New England Mutual Marine Insurance Company in Bos-

ton, with the reserved profits remaining with the company as provided by the third section of the seventy-fourth chapter of the statutes of the year one thousand eight hundred and fifty-eight, shall exceed the sum of five hundred thousand dollars, the said company is authorized to redeem and pay certificates issued for profits to such an amount, and in such manner as the directors shall determine: *provided*, such payment shall leave net earned profits with said company, including the reserved profits above mentioned, to the amount of not less than five hundred thousand dollars; and *provided*, that no certificates of any year shall be redeemed while certificates of previous years remain unredeemed or unprovided for.

redeem certificates to that amount.

Provisos.

Approved February 29, 1864.

[1868, 39.]

[1831, 15; 1836, 8; 1846, 63.]

AN ACT to authorize the First Parish in Dorchester to sell Real Estate.

Chap. 52.

Be it enacted, &c., as follows:

SECTION 1. The First Parish in Dorchester is hereby authorized to sell at public or private sale, at such time or times as it may choose, a certain lot of pasture land belonging to said parish, and situated on Brush Hill Turnpike, in the town of Milton, and known as the "little pasture;" and the treasurer of said parish for the time being, shall have authority to execute and deliver deeds to convey the same in fee simple or otherwise.

Parish may sell at public or private sale.

Treasurer may convey.

SECTION 2. The proceeds of the sale of said land shall be permanently invested in such manner as said parish shall direct; and the income arising therefrom shall be applied exclusively to the support of the ministry in said parish.

Proceeds to be invested by parish.

SECTION 3. This act shall take effect upon its passage.

Approved February 29, 1864.

AN ACT to incorporate the Newburyport and Amesbury Horse Railroad Company.

Chap. 53.

Be it enacted, &c., as follows:

SECTION 1. Eben F. Stone, Albert Currier, Joseph B. Morss, their associates and successors, are hereby made a corporation by the name of the Newburyport and Amesbury Horse Railroad Company, with power to construct, maintain and use a railway with convenient single or double tracks, commencing at such points in the city of Newburyport, and thence upon and over such streets and highways of said city, as may be from time to time fixed and determined by the mayor and aldermen thereof, and assented to in writing by said corporation; thence upon and over such of the streets and highways of the town of Salisbury, as

Corporators.

Name.

Location.

may be from time to time fixed and determined by the selectmen of said town, with the written assent of said corporation; thence over and upon such of the streets and highways of said town of Amesbury as may be from time to time fixed and determined by the selectmen of said town, with the written assent of said corporation.

Motive-power. SECTION 2. This railroad shall be operated with horse power only.

Capital stock and shares. SECTION 3. The capital stock of this corporation shall not exceed the sum of one hundred and twenty thousand dollars, to be divided into shares of one hundred dollars each; and no share shall be issued until the par value thereof has been actually paid into the treasury of the company, in cash.

Real estate. SECTION 4. This corporation shall have power to hold and purchase such real estate as may be necessary or convenient for the purposes of this railroad.

Construction and maintenance. SECTION 5. This railroad shall be constructed and maintained in such manner as the mayor and aldermen of Newburyport, and the selectmen of Salisbury and Amesbury, respectively, may prescribe: and whenever the corporation shall deem it necessary to alter the grade of any street or highway, occupied by it, the assent of the mayor and aldermen of Newburyport, or the selectmen of Salisbury or Amesbury, as the case may be, shall first be obtained, and the same shall be made at the expense of this corporation.

Rate of speed and use of tracks, how regulated. SECTION 6. The mayor and aldermen of Newburyport, and the selectmen of Salisbury and Amesbury, respectively, shall have power at all times to make such regulations, respecting the rate of speed and mode of use of the tracks, as the public safety and convenience may require, and shall also have power at any time after the expiration of one year from the opening for use of the tracks of said railroad in any of the streets or highways in which the same shall be laid, to determine that the said tracks or any part thereof, shall be discontinued; and thereupon the location, as to such part, shall be deemed to be revoked; and such part shall, forthwith, be taken up and removed, in conformity to the direction of said mayor and aldermen or selectmen, as the case may be, at the expense of said corporation. But no such discontinuance of any part of the tracks shall be made without due notice of the time and place at which the corporation may be heard in relation thereto.

Corporation to be heard.

May use Essex Merrimac Bridge.

SECTION 7. The corporation hereby created may enter upon and use the bridge of the Essex Merrimac Company across the Merrimac River, entitled the Essex Merrimac

Bridge; and in the event of a disagreement between the corporation and the proprietors of said bridge, as to the rate of compensation, and the mode of use, the same shall be determined by the county commissioners for the county of Essex.

SECTION 8. This corporation shall keep and maintain in repair such portion of all streets and highways as shall be occupied by their tracks, and shall be liable for any loss or injury that any person may sustain, by reason of any carelessness or misconduct on the part of its agents or servants in the construction and management of the road.

Shall maintain highway used, and be liable for injury.

SECTION 9. Nothing in this act shall be construed to prevent the authorities of Newburyport, or of the towns of Salisbury or Amesbury, respectively, from altering or repairing any of the streets or highways traversed by the tracks of this railroad, precisely as they might have lawfully done, if no such tracks existed.

Control of highways by municipalities not impaired.

SECTION 10. If any person shall wilfully and maliciously obstruct the agents of this corporation, in the passage of the cars on its tracks, he shall be punished by a fine not exceeding five hundred dollars, or by imprisonment for a term not exceeding three months. If the agents of this corporation shall wilfully and maliciously obstruct any street or highway, the corporation shall be punished by a fine not exceeding five hundred dollars.

Obstructions, of or by corporation, how punished.

SECTION 11. The city of Newburyport, and the towns of Amesbury and Salisbury, or either of them, may at any time, after the expiration of ten years from the opening of any part of this railroad for use, take possession and hold so much of this road as lies within their respective limits, by paying therefor the actual cost in cash of the same, together with a net profit of ten per cent. per annum, less the dividends paid thereon by the corporation and thereupon a portion of the franchise, corresponding to the portion of the road so taken by the said city or by either of said towns, shall be vested in said city or town.

Municipalities may purchase franchise after ten years.

Conditions.

SECTION 12. This corporation may fix, from time to time, the fare of passengers and the rate of compensation for the transportation of property; but, in the carriage of freight, the business must be so adjusted as not to interfere with the carriage of passengers.

Corporation may fix fares, &c.

Proviso.

SECTION 13. Said corporation shall be subject to the provisions of the sixty-eighth chapter of the General Statutes, and to all general laws which are or may be in force relating to horse railroad corporations.

Corporation subject to general laws.

Act void unless
accepted and
road constructed
within two years.

SECTION 14. This act shall be void, so far as it relates to the right to construct a railroad in the city of Newburyport and in the towns of Amesbury and Salisbury, respectively, unless the same shall be accepted by the corporation, and by said city and towns, and unless said railroad shall be constructed within two years after the passage of this act.

SECTION 15. This act shall take effect upon its passage.

Approved February 29, 1864.

[1867, 92.]

[1853, 415; 1854, 31; 1855, 430; 1857, 89; 1859, 5; 1861, 2; 1863, 14.]

Chap. 54.

AN ACT relating to the Mystic River Railroad.

Be it enacted, &c., as follows:

Act of incorpora-
tion revived.

SECTION 1. An act to incorporate the Mystic River Railroad, passed the twenty-fifth day of May, in the year eighteen hundred and fifty-three, and all acts in amendment thereof, except such provisions in said acts as have been heretofore expressly repealed, are hereby revived and confirmed; and said corporation may be organized within two years from the passage of this act.

May connect
with G. J. R. R.
and Depot Co.
and the Union
R. R. Co., and
said Co's may
use Mystic River
's road.

SECTION 2. The said Mystic River Railroad is hereby authorized to connect with, enter upon and use, so much of the railroad of the company commonly known as the Grand Junction Railroad and Depot Company, as is located between Cambridge street in the city of Charlestown and the Boston and Worcester Railroad in the town of Brookline, according to law; also to connect with, enter upon, and use the Union Railroad according to law. And the said Grand Junction Railroad and Depot Company, or the owner of the road of said company, and the said Union Railroad Company, or the owner of the Union Railroad may, in like manner connect with, enter upon and use the said Mystic River Railroad: *provided*, nothing contained in this act shall be so construed as to affect, in any way, any rights or privileges heretofore granted to, or acquired by the Fitchburg Railroad Company, under any statute of this Commonwealth, or by virtue of any judgment at law or in equity, heretofore obtained by said Fitchburg Railroad Company.

Proviso.

May cross Boston
and Maine and
Eastern roads, as
shall be agreed
by respective cor-
porations.

SECTION 3. The Mystic River Railroad may cross the Boston and Maine Railroad and the Eastern Railroad at grade: *provided*, said crossings shall be made at the expense of the Mystic River Railroad, immediately south of the present crossing of said Boston and Maine Railroad by the said Eastern Railroad, and within one hundred feet of the ball-signal station, as it now stands; and the construction of each of said crossings shall be done in such manner as may be agreed upon in writing by said Mystic River Railroad

with each of said other corporations respectively; and in case of disagreement in either case, the whole matter relating to the manner of constructing such crossing shall be done under the direction of a commissioner, who shall be a skilful engineer, appointed by the governor and council, the compensation of said commissioner to be paid by said Mystic River Railroad; and *provided, further*, that whenever trains shall approach the said crossing on the said Boston and Maine Railroad, or on the said Eastern Railroad, at the same time with trains on the said Mystic River Railroad, the prior right to move forward shall be allowed the said Boston and Maine and the said Eastern Railroads.

Approved February 29, 1864.

[1865, 56; 1866, 278; 1868, 21.]

AN ACT to incorporate the Proprietors of the Congregational Church in Grafton. *Chap. 55.*

Be it enacted, &c., as follows:

SECTION 1. Liberty Wood, Jonathan D. Wheeler, Horace S. Warren, their associates and successors, are hereby made a corporation by the name of the Proprietors of the Congregational Church in Grafton, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the general laws which now are or may hereafter be in force, relating to such corporations, with power to hold real and personal estate to an amount not exceeding in value the sum of ten thousand dollars.

Corporators.

Name.

Powers and duties.

Real and personal estate.

SECTION 2. This act shall take effect upon its passage.

Approved February 29, 1864.

[M. 1861, 26; D. 1854, 9.]

AN ACT concerning the Milton Gas Light Company and the Dorchester Gas Light Company. *Chap. 56.*

Be it enacted, &c., as follows:

SECTION 1. The Milton Gas Light Company is hereby authorized to sell its rights, franchise and entire property to the Dorchester Gas Light Company, and the Dorchester Gas Light Company is hereby authorized to purchase and hold the same: *provided, however*, that no such sale or purchase shall be made without the sanction of a majority in interest of the stockholders of each of said corporations present and voting thereon at a meeting of the stockholders called for that purpose.

May transfer franchise and property.

Proviso.

SECTION 2. In case of such sale and purchase, said two corporations shall thereupon become one corporation, under the corporate name of the Dorchester Gas Light Company, and all the powers and privileges now enjoyed by, and all the restrictions, duties and liabilities imposed upon said two

Consolidation.

Name.

Powers and duties.

corporations by virtue of their respective charters, shall appertain to said united corporation. And said united corporation shall also be subject to all general provisions of law that are or may hereafter be in force relating to such corporations.

Rights of creditors not affected.

Capital stock.

SECTION 3. The rights of any creditor of either of said corporations shall not be affected by the sale and purchase herein authorized; nor shall the amount of capital stock issued to represent said property after its purchase, be greater than the amount which now represents said property.

SECTION 4. This act shall take effect upon its passage.

Approved February 29, 1864.

[1861, 41.]

Chap. 57.

AN ACT to incorporate the North Adams Gas Light Company
Be it enacted, &c., as follows:

Corporators.

Name and purpose.

Powers and duties.

Real estate.

Capital stock.

May sink and maintain pipes.

Repair of streets.

Proviso.

SECTION 1. Amasa W. Richardson, Sylvander Johnson, John B. Tyler, their associates and successors, are hereby made a corporation by the name of the North Adams Gas Light Company, in Adams, for the purpose of manufacturing and selling gas in the town of Adams; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the general laws which now are, or may hereafter be in force relating to manufacturing corporations.

SECTION 2. Said corporation may, for the purpose aforesaid, hold real estate not exceeding in value twenty thousand dollars; and the whole capital stock shall not exceed one hundred thousand dollars.

SECTION 3. Said corporation, with the consent of the selectmen of the town of Adams, shall have the power and authority to dig up and open the ground in any part of the streets, lanes and highways in said town, for the purpose of sinking and repairing such pipes and conductors as may be necessary for the purpose aforesaid; and the said corporation, after opening the ground in such streets, lanes or highways, shall be held to put the same again in repair, under the penalty of being prosecuted for a nuisance: *provided*, that the selectmen of said town may regulate, restrict and control all acts and doings of such corporation, which may in any manner affect the health, safety, convenience or property of the inhabitants of said town.

Approved February 29, 1864.

[1848, 32; 1850, 191; 1854, 338; 1855, 313; 1856, 189, 272; 1857, 95; 1860, 14, 96; 1861, 118; 1862, 35, 148; 1863, 72.]

AN ACT concerning the City of Worcester.

Chap. 61.

Be it enacted, &c., as follows :

The city council of the city of Worcester shall annually, in the month of December, elect by joint ballot in convention, a chief engineer of the fire department, and as many assistant-engineers, not exceeding six, as they deem expedient; who shall hold their offices for the term of one year from the first Monday of January next ensuing, and until their successors are chosen and qualified.

Election of engineers fire dep't.

Term of office.

Approved March 2, 1864.

[1864, 104; 1865, 196; 1866, 199; 1867, 106, 269; 1868, 195.]

[Special Laws, vol. 1, p. 296; vol. 2, p. 154; 1812, 103; 1835, 137; 1852, 122.]

AN ACT to protect the Shad Fishery in the Connecticut River.

Chap. 62.

Be it enacted, &c., as follows :

SECTION 1. No person shall set, draw or sweep any seine or net, the meshes of which are less than two and one-fourth inches square when new and dry, for the purpose of catching shad or any other fish, in that part of the Connecticut River which is within the limits of this Commonwealth, and below the dam across said river at Holyoke, between the first day of May, and the fifteenth day of July, during each year.

Use of certain nets forbidden between the 1st May and 15th July.

SECTION 2. Every person violating the provisions of the preceding section, shall be liable to a fine of not less than ten, nor more than fifty dollars for each offence, to be recovered in any court competent to try the same; one-half of said fine to inure to the use of the town in which the offence shall be committed, and the other half to the person who shall prosecute therefor.

Penalty for violation.

SECTION 3. This act shall take effect upon its passage.

Approved March 2, 1864.

[1868, 130.]

[1853, 248; 1854, 431.]

AN ACT to increase the Capital Stock of the Rockland Bank.

Chap. 64.

Be it enacted, &c., as follows :

SECTION 1. The president, directors and company of the Rockland Bank, in Roxbury, are hereby authorized to increase their present capital stock, by an addition thereto of one hundred and fifty thousand dollars, in shares of one hundred dollars each, which shall be paid in such instalments as the president and directors may determine: *provided, however*, that the whole amount shall be paid in before the first day of May, in the year one thousand eight hundred and sixty-five.

\$150,000 additional capital stock.

Proviso.

Remonstrance by stockholders, how to be made.

SECTION 2. If any of the stockholders of said bank remonstrate against the acceptance of the additional capital herein provided, the said remonstrance shall be made in writing to the cashier of the bank, on or before the first day of June next; and if the persons so objecting legally represent one-fourth part of the present capital stock of said corporation, it shall not be entitled to the benefit of this act.

Additional capital liable to taxation, &c.

SECTION 3. The additional capital aforesaid when paid into said bank, shall be subject to the like tax, regulations, restrictions and provisions, to which the present capital stock of said bank is now subject.

Certificate required.

SECTION 4. Before said corporation shall proceed to do business on said additional capital, a certificate signed by the president and directors, and attested by the cashier under oath, that the same has actually been paid into said bank, shall be returned into the office of the secretary of the Commonwealth.

SECTION 5. This act shall take effect upon its passage.

Approved March 2, 1864.

[1864, 47.]

Chap. 65. AN ACT to extend the provisions of "An Act to provide for the Payment of Bounties to Volunteers and for other Purposes."

Be it enacted, &c., as follows:

Persons enlisted under President's order of Feb. '64, to receive same bounty as under call of Oct. '63.

SECTION 1. The provisions of chapter two hundred and fifty-four of the laws of the year eighteen hundred and sixty-three shall be, and the same hereby are, so extended as to entitle all persons who shall enlist, or re-enlist, and be mustered into the military service of the United States, as a part of the quota of Massachusetts under the order of the President of the United States for a draft of five hundred thousand men, dated February first, in the year eighteen hundred and sixty-four, to the same bounty or pay as provided for in said act for those of the quota of the Commonwealth, under the call of the President for three hundred thousand men, dated October seventeenth, in the year eighteen hundred and sixty-three; and all the provisions of said act, in relation to the manner of offering and paying said bounty or pay, shall be applicable to all cases under the provisions of this act: *provided, however*, that this act shall not be so construed, as to authorize the payment of bounty or pay to any drafted man or substitute.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1864.

AN ACT to confirm certain Acts done by William H. Wood, as Justice of the Peace. *Chap. 66.*

Be it enacted, &c., as follows :

SECTION 1. All acts done by William H. Wood, of Marlborough, esquire, as a justice of the peace, within and for the county of Middlesex, between the thirty-first day of January, one thousand eight hundred and sixty, and the twenty-first day of July, one thousand eight hundred and sixty-three, be and they hereby are made valid and confirmed to the same extent as they would have been valid, had he been during that interval duly qualified to discharge the duties of the said office. Acts done as justice of the peace confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1864.

[1854, 228.]

AN ACT to authorize the Charlestown Five Cents Savings Bank to hold Real Estate. *Chap. 67.*

Be it enacted, &c., as follows :

SECTION 1. The Charlestown Five Cents Savings Bank in the city of Charlestown, is hereby authorized to hold real estate in said city, to an amount not exceeding forty thousand dollars : *provided*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site, and the erection or preparation of a suitable building to be used for banking purposes ; and all income, if any, arising from such real estate, shall be devoted exclusively to the interests of said corporation. May hold real estate in Charlestown. Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved March 2, 1864.

AN ACT to authorize Granville C. Carlton to build a Bridge over Back River, in the Town of Salisbury. *Chap. 68.*

Be it enacted, &c., as follows :

Granville C. Carlton is hereby authorized to construct a bridge over Back River, so called, in the town of Salisbury, from the point on the westerly shore of said river, known as the Back Landing, to the land of said Carlton, on the opposite shore : *provided*, the consent of the owners of said landing be first obtained, and said bridge be built six feet above ordinary high-water and with an open and unobstructed space in the channel, twenty feet wide between the abutments of said bridge. May build bridge. Proviso.

Approved March 2, 1864.

[1847, 88; 1848, 131; 1850, 9, 126; 1856, 3.]

Chap. 69. AN ACT to increase the Capital Stock of the City Fire Insurance Company, and to extend its Charter.

Be it enacted, &c., as follows :

\$150,000 additional capital stock.

SECTION 1. The City Fire Insurance Company in Boston is hereby authorized and empowered to increase its capital stock by an addition thereto of the sum of one hundred and fifty thousand dollars.

When and how to be paid in.

SECTION 2. Said additional capital shall be paid in at such times and in such instalments as the stockholders shall by vote direct; but not less than fifty thousand dollars shall be paid in within one year from the acceptance of this act.

Charter extended without limitation of time.

SECTION 3. The act of the year one thousand eight hundred and forty-seven, incorporating said company by the name of the Cochituate Fire Insurance Company, but changed by an act in the year one thousand eight hundred and fifty-six to the name of the City Fire Insurance Company, shall be continued and remain in force from and after the fifteenth day of March in the year one thousand eight hundred and sixty-seven; and said company shall continue from and after said fifteenth day of March to be a corporation under the name of the City Fire Insurance Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Powers and duties.

When to take effect.

SECTION 4. This act shall not take effect unless accepted at a meeting of the stockholders of said company duly notified for that purpose and holden within three months after the passage of this act.

Approved March 2, 1864.

Chap. 70. AN ACT to establish the Police Court of the Town of Milford.

Be it enacted, &c., as follows :

Court established.

Jurisdiction, powers and duties.

Application of General Statutes.

SECTION 1. A police court is hereby established in the town of Milford under the name of the Police Court of Milford; and said town shall constitute a judicial district under the jurisdiction of said court. Said court shall have the same jurisdiction, power and authority, shall perform the same duties and be subject to the same regulations as provided in respect to existing police courts, except those of Boston and of Worcester, by the one hundred and sixteenth chapter of the General Statutes, and by all general laws passed in amendment thereof applicable to the several police courts of the Commonwealth; and all provisions of law relating to civil and criminal proceedings, the taxation of costs, the payment of fines, the expenses of court, the

accounting and settling with the county or town treasurers for the money paid into court as forfeitures or otherwise, and the required returns applicable to the several police courts in the Commonwealth, except the police courts of Boston and of Worcester, shall apply to the police court of Milford hereby established.

SECTION 2. The said court shall consist of one standing justice and two special justices, to be appointed, commissioned and qualified pursuant to the constitution and laws of the Commonwealth.

SECTION 3. The standing justice of said court shall receive an annual salary of eight hundred dollars, to be paid from the treasury of the Commonwealth. The compensation of the special justices, for duties performed by them in case of the sickness, interest, absence or other disability of the standing justice, shall be paid by the standing justice as provided by law.

SECTION 4. All proceedings duly commenced before any trial justice or justice of the peace for the county of Worcester, before the third Monday of March, in the year one thousand eight hundred and sixty-four, shall be prosecuted and determined as if this act had not been passed.

SECTION 5. This act shall take effect, so far as the appointing, commissioning and qualifying the standing justice and special justices of said police court of Milford are concerned, upon its passage, and it shall take full effect on the third Monday of March in the year one thousand eight hundred and sixty-four.

Approved March 3, 1864.

[1851, 160.]

AN ACT to authorize the Massachusetts Mutual Life Insurance Company to increase its Investment in Real Estate. *Chap. 72.*

Be it enacted, &c., as follows :

SECTION 1. The Massachusetts Mutual Life Insurance Company is hereby authorized to hold real estate in the city of Springfield, to an amount not exceeding in cost forty thousand dollars, in addition to the amount of ten thousand dollars now authorized to be held by them.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1864.

[1866, 43.]

[1859, 2.]

AN ACT to increase the Capital Stock of the Indian Orchard Mills. *Chap. 73.*

Be it enacted, &c., as follows :

SECTION 1. The Indian Orchard Mills are hereby authorized to increase their capital stock by an amount not exceeding \$400,000 additional capital stock.

ing four hundred thousand dollars, and to invest such increase in real and personal estate necessary and convenient for carrying on the business of the said corporation.

SECTION 2. This act shall take effect upon its passage.

Approved March 3, 1864.

Chap. 74. AN ACT to increase the Capital of the Merchants' Woollen Company.

Be it enacted, &c., as follows :

\$200,000 additional capital stock.

SECTION 1. The Merchants' Woollen Company, a corporation organized in August, in the year one thousand eight hundred and sixty-three, under chapter sixty-one of the General Statutes, with a capital stock of four hundred and ninety thousand dollars, is hereby authorized to add to its capital stock two hundred and sixty thousand dollars.

Restrictions and liabilities.

SECTION 2. The said corporation, its officers and stockholders, shall remain subject to all the liabilities, restrictions and duties contained in said chapter, with the exception of so much of the sixth section thereof as limits the capital stock to five hundred thousand dollars, and also subject to all general laws applicable to such corporations.

SECTION 3. This act shall take effect upon its passage.

Approved March 3, 1864.

[1854, 445; 1855, 370; 1856, 133; 1859, 144.]

Chap. 75. AN ACT concerning the Boston and Chelsea Railroad Company.

Be it enacted, &c., as follows :

May use tracks of Middlesex and Metropolitan roads.

SECTION 1. The Boston and Chelsea Railroad Company, and their lessees, are hereby authorized to enter upon and use the tracks of the Middlesex Railroad Company, and the tracks of the Metropolitan Railroad Company in Court Street and Cornhill, through Haymarket Square to and around Scollay's Building, returning to said Haymarket Square, subject to location by the mayor and aldermen of the city of Boston; and upon such rates of compensation for the use of said tracks, as may be agreed by the parties, or determined according to law.

Subject to general laws.

SECTION 2. Said corporation shall be subject to the general laws that are or may be in force relative to horse railroad corporations.

SECTION 3. This act shall take effect upon its passage.

Approved March 3, 1864.

[1864, 246; 1867, 342; 1868, 335.]

[1835, 42; 1844, 4; 1855, 2; 1860, 133.]

AN ACT to increase the Capital Stock of the Old Colony Insurance Company. *Chap. 76.*

Be it enacted, &c., as follows :

The Old Colony Insurance Company in the town of Plymouth, is hereby authorized to increase its capital stock, by an addition thereto of the sum of fifty thousand dollars, to be divided into shares of one hundred dollars each: *provided*, the same shall be paid in within two years from the passage of this act. *Approved March 3, 1864.*

\$50,000 additional capital stock.

[1826, 38.]

AN ACT to cede Jurisdiction to the United States, over Long Point, in Provincetown Harbor. *Chap. 77.*

Be it enacted, &c., as follows :

SECTION 1. Jurisdiction is hereby granted and ceded to the United States of America, and all right of this Commonwealth to the soil thereof, over all that portion of Long Point, in Provincetown harbor, extending from the extremity occupied by the light-house, to a line drawn true west through the northern point of House Point Island, including also that island and all the flats adjacent to the premises conveyed, and all the flats adjacent to any land now owned by the United States on said point, and also over such other lands belonging to said Commonwealth in said Provincetown as the United States may take and occupy for the erection of fortifications: *provided*, that a plan thereof shall be filed in the office of the secretary of this Commonwealth, within two years from the passage of this act. Jurisdiction is also ceded to said United States of America over all other lands in said Provincetown to which the United States may acquire title for the purposes aforesaid: *provided*, that a plan of said premises shall be filed with the secretary of this Commonwealth, within one year after such title of the United States is acquired; and consent is hereby given to the acquisition of such title: *provided, always*, that this Commonwealth shall retain concurrent jurisdiction with the United States in and over all the lands aforesaid, so far that all civil processes, and all criminal processes issuing under the authority of this Commonwealth, may be executed on said lands, and in any buildings thereon, or to be erected thereon, in the same way and manner as if jurisdiction had not been granted as aforesaid.

Jurisdiction ceded.

Limitation defined.

Plan to be filed in secretary's office.

Further cession.

Provisos.

SECTION 2. This act shall take effect upon its passage.

Approved March 5, 1864.

[1867, 210, 268; 1868, 180]

Chap. 80. AN ACT to incorporate the Home for Aged Colored Women.*Be it enacted, &c., as follows :***Corporators.****Name and purpose.****Powers and duties.****Real estate.**

LeBaron Russell, George Higginson, Nathaniel G. Chapin, their associates and successors, are hereby made a corporation by the name of The Home for Aged Colored Women, for the purpose of providing a home in the city of Boston for, or otherwise assisting, aged and indigent colored women ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the general laws which are or may be in force relating to such corporations ; and for the purpose aforesaid, may hold real and personal property to an amount not exceeding one hundred thousand dollars.

Approved March 5, 1864.

[1849, 232.]

Chap. 81. AN ACT to revive the Charter of the Springfield and Longmeadow Railroad Corporation, and for other Purposes.*Be it enacted, &c., as follows :***Act revived.**

SECTION 1. Chapter two hundred and thirty-two of the acts of the year eighteen hundred and forty-nine, entitled "An Act to incorporate the Springfield and Longmeadow Railroad Corporation," is hereby revived ; and said corporation may be organized within two years from the passage of this act.

Location and construction of road.

SECTION 2. The time limited in the fifth section of said act, within which the location of the railroad of said corporation should be filed, is hereby extended to the first day of May, eighteen hundred and sixty-six, and the time limited in said section for completing the railroad to some point in Longmeadow is hereby extended to the first day of May, eighteen hundred and sixty-seven.

May connect with other roads.

SECTION 3. Said corporation may connect its railroad with the Hartford and New Haven Railroad, and the Connecticut River Railroad, at some convenient points in Springfield, in such manner as not to interfere with their depot buildings, and may enter upon and use said railroads in accordance with the provisions of law.

Depot for freight near armory in Springfield.

SECTION 4. Said corporation shall establish a permanent stopping place near the United States armory, in Springfield, for the purpose of receiving and delivering freight, and, under the direction of the mayor and aldermen of the city of Springfield, construct their railroad across State Street in such manner as to best accommodate the business of the government.

SECTION 5. Said corporation shall not issue any shares for a less amount than one hundred dollars, to be actually paid in on each share, anything in said act to the contrary notwithstanding.

Par value of shares.

Approved March 5, 1864.

[1865, 137; 1866, 143.]

AN ACT to incorporate the Mansfield and Somerset Railroad Company. *Chap. 82.*
Be it enacted, &c., as follows :

SECTION 1. Willard Manuel, of Mansfield, Otis Cary, of Foxborough, and Laban M. Wheaton, of Norton, their associates and successors, are hereby made a corporation by the name of the Somerset and Mansfield Railroad Company ; with all the privileges and subject to all the restrictions, duties and liabilities, set forth in the general laws which now are or hereafter may be in force relating to such corporations.

Corporators.

Name.

Powers and duties.

SECTION 2. The said company may locate, construct and operate a railroad, commencing at some convenient point in the town of Mansfield, at or near the junction of the Taunton Branch and Boston and Providence Railroads, there connecting with the Foxborough Branch Railroad, thence southerly through the towns of Mansfield, Norton, Taunton, Dighton and Somerset, to a line below Wilber's Pond in said Somerset, upon the channel of Taunton River, where there is sufficient water at low tide for vessels ; said line to be determined by three commissioners to be appointed by the supreme judicial court ; said commissioners shall select a line which shall accommodate said company and not be prejudicial to the harbor of Fall River ; the award of said commissioners, or a major part of them, fixing said line, when approved by the governor and council, shall be final ; said company may construct to said line such wharves as are necessary for their accommodation, the number and location of said wharves to be determined by said commissioners, and approved by the governor and council ; and said award, and the number and location of said wharves, when approved as aforesaid, shall be filed by said company, with their location, with the county commissioners of Bristol County. Said commissioners shall be paid by said company for fixing said line and the number and location of said wharves.

Location.

Line in Somerset to be determined by commissioners.

Award, when approved, to be final.

Company may construct wharves.

Award and approval to be filed with county commissioners.

Compensation.

SECTION 3. Said company may, with the consent of the companies hereinafter mentioned, enter upon and unite its road with the roads of the Taunton Branch and the Dighton and Somerset Railroad Companies, and use the said railroads, subject to the provisions of the statutes of this Commonwealth relating to railroads and railroad corporations.

Union with Taunton Branch and Dighton and Somerset roads authorized.

May lease or purchase Taunton Branch.
Proviso.

SECTION 4. Said company may lease or purchase the whole or any part of the Taunton Branch Railroad: *provided, however*, that no such lease or sale shall be made without the vote authorizing the same, of three-quarters of the stockholders of the Taunton Branch Railroad Company, present and voting at a meeting called for that purpose.

Capital stock.

SECTION 5. The capital stock of said company shall be fixed by said company at an amount not less than three hundred thousand dollars nor more than five hundred thousand dollars, and when so fixed shall not thereafter be changed; and said stock shall be divided into shares of one hundred dollars each; said company may purchase and hold such real and personal estate as may be necessary for the purposes for which it is incorporated.

Estate.

Location and construction.

SECTION 6. This act shall be void unless the said railroad is located within two years, and constructed within four years from the passage hereof.

SECTION 7. This act shall take effect upon its passage.

Approved March 5, 1864.

[1866, 29.]

Chap. 83.

AN ACT to incorporate the Wellfleet Marine Insurance Company.

Be it enacted, &c., as follows:

Corporators.

Name and purpose.

Powers and duties.

Capital stock and shares.

SECTION 1. James Swett, Benjamin Oliver, Jesse Y. Baker, their associates and successors, are hereby made a corporation, by the name of the Wellfleet Marine Insurance Company, in the town of Wellfleet, for the purpose of making insurance against maritime losses; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are, or hereafter may be, in force, relating to such corporations.

SECTION 2. Said corporation shall have a capital stock of sixty thousand dollars, divided into shares of one hundred dollars each.

SECTION 3. This act shall take effect upon its passage.

Approved March 5, 1864.

[1864, 47.]

Chap. 84.

AN ACT in further addition to "An Act to provide for the Payment of Bounties to Volunteers, and for other Purposes."

Be it enacted, &c., as follows:

Bounty, to whom paid on decease of person enlisting.

SECTION 1. If any person entitled to bounty under the provisions of chapter two hundred and fifty-four of the laws of the year eighteen hundred and sixty-three, or any act additional to the same, has died, or shall die, before he has

received his bounty, it shall be paid to his widow, or, if he leave no widow, to his lawful heirs.

SECTION 2. This act shall take effect upon its passage.

Approved March 5, 1864.

[1851, 296, 333; 1855, 164; 1858, 160; 1860, 175; 1863, 129.]

AN ACT in addition to an Act to establish the City of Newburyport.

Chap. 86.

Be it enacted, &c., as follows :

SECTION 1. The qualified voters of the city of Newburyport, at their respective annual ward meetings, shall elect at large, by ballot, six persons, one of whom shall be selected from each ward, to be aldermen ; and the persons thus chosen shall constitute the board of aldermen, and shall hold their offices for one year from the first Monday in January, and until others shall be elected and qualified.

Board of aldermen, how chosen.

SECTION 2. Chapter three hundred and thirty-three of the acts of the year one thousand eight hundred and fifty-one is hereby repealed.

Repeal.

SECTION 3. This act shall be submitted to the inhabitants of Newburyport, for their acceptance or rejection, at legal meetings to be called in the several wards of said city within ninety days from the passage of this act, and shall take effect from and after its acceptance by a majority of the votes cast at such meetings.

Act how and when to take effect.

Approved March 11, 1864.

[1864, 275; 1866, 175, 241; 1867, 179; 1868, 251.]

AN ACT to authorize Abner L. Bayley to maintain and extend a Wharf in Amesbury.

Chap. 87.

Be it enacted, &c., as follows :

Abner L. Bayley, proprietor of land and flats and of a wharf thereon, situate at or near the junction of the Merimac and Powow Rivers in Amesbury, is hereby authorized to maintain said wharf as the same is now constructed, and to extend the same in an easterly direction to low-water mark on said rivers, with a right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor : *provided, however*, that this grant shall in no wise impair the legal rights of any person.

May build wharf in Amesbury.

Wharfage and dockage.

Approved March 11, 1864.

AN ACT to incorporate the Westfield Athenæum.

Chap. 88.

Be it enacted, &c., as follows :

SECTION 1. Samuel Mather, Hiram Harrison and Cutler Laflin, their associates and successors, are hereby made a corporation by the name of the Westfield Athenæum, to be established in the town of Westfield, for the purpose of maintaining a library and reading-room, and promoting

Corporators.

Name and purpose.

Powers and duties.

public instruction by lectures and otherwise; with all the powers and privileges, and subject to all the duties, restrictions and liabilities imposed by all laws that are or may hereafter be in force concerning such corporations.

Donations.

SECTION 2. Said corporation is authorized to hold the donation of Samuel Mather, and all other donations, bequests and devises, which are or may be hereafter made; and may

Real and personal estate.

also purchase and hold real estate to an amount not exceeding thirty thousand dollars, and personal estate to an amount not exceeding one hundred thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved March 11, 1864.

Chap. 89. AN ACT to confirm certain Acts done by James Gerrish as a Justice of the Peace.

Be it enacted, &c., as follows:

Acts done as justice of the peace confirmed.

SECTION 1. All acts done by James Gerrish of Shirley, in the county of Middlesex, esquire, as a justice of the peace within and for the county of Middlesex, between the eighth day of April, in the year eighteen hundred and sixty-two, and the third day of February, in the year eighteen hundred and sixty-four, are hereby made valid and confirmed to the same extent as they would have been valid had he been during that interval duly qualified to discharge the duties of the said office.

SECTION 2. This act shall take effect upon its passage.

Approved March 11, 1864.

[1836, 62; 1851, 74.]

Chap. 90. AN ACT to continue in force an Act to incorporate the Marlborough Mutual Fire Insurance Company.

Be it enacted, &c., as follows:

Corporation continued without limitation of time.

SECTION 1. The act of the year one thousand eight hundred and thirty-six, to incorporate the Marlborough Mutual Fire Insurance Company, shall be continued in force from and after the expiration of said act.

Powers and duties.

SECTION 2. Said company shall have all the powers and privileges and no others, and be subject to all the duties, restrictions and liabilities set forth in the general laws in relation to mutual fire insurance companies, which now are or hereafter may be in force.

SECTION 3. This act shall take effect upon its passage.

Approved March 14, 1864.

Chap. 91. AN ACT to incorporate the General Theological Library.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Charles Burroughs, John C. Hayden, Luther Farnham, their associates and successors, are hereby made a

corporation by the name of the General Theological Library in the city of Boston, for the purpose of promoting religion and theological learning; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the sixty-eighth chapter of the General Statutes, so far as the same may be applicable.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may hold real and personal estate to an amount not exceeding one hundred and fifty thousand dollars, exclusive of books and furniture.

Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved March 14, 1864.

[1867, 293.]

[1860, 84.]

AN ACT in relation to the Franklin Cemetery Association.

Chap. 92.

Be it enacted, &c., as follows:

SECTION 1. Chapter eighty-four of the acts of the year eighteen hundred and sixty, entitled "An Act to incorporate the Franklin Cemetery Association," is hereby revived, and said corporation may be organized within two years from the passage of this act.

Charter revived.

Organisation.

SECTION 2. This act shall take effect upon its passage.

Approved March 14, 1864.

[1828, 113.]

AN ACT concerning the Perkins Institution and Massachusetts Asylum for the Blind. *Chap. 96.*

Be it enacted, &c., as follows:

SECTION 1. The governor, with the advice and consent of the council, shall annually, as soon as may be after the first Wednesday in February, appoint four trustees of the Perkins Institution and Massachusetts Asylum for the Blind, who shall hold their offices for one year, or until the appointment of their successors; and in case of the occurring of any vacancy by death or resignation among the trustees so appointed, the governor may, with the advice and consent of the council, fill such vacancy.

Governor to appoint trustees.

Tenure of office. Vacancies.

SECTION 2. So much of the one hundred and thirteenth chapter of the acts of the year eighteen hundred and twenty-eight, as authorizes the appointment of trustees of said asylum, by a board of visitors thereof, is hereby repealed.

Repeal.

SECTION 3. This act shall not take effect until it has been accepted by the Perkins Institution and Massachusetts Asylum for the Blind, at a meeting of the corporation specially called for the purpose.

When to take effect.

Approved March 16, 1864.

Chap. 97.

AN ACT to incorporate the Town of Gosnold.

*Be it enacted, &c., as follows:*Territory incor-
porated.Powers and du-
ties.Taxes, town,
state and county.Assumption of
debt and
property.

Surplus revenue.

Maintenance of
paupers.Election dis-
tricts.

SECTION 1. All that portion of the territory of the town of Chilmark known as the Elizabeth Islands, situated on the south-east side of Buzzard's Bay, and forming the north-westerly side of Vineyard Sound, is hereby incorporated into a separate town by the name of Gosnold; and the said town of Gosnold is hereby vested with all the powers and privileges, rights and immunities, and shall be subject to all the duties and requisitions to which other towns are entitled and subjected by the constitution and laws of this Commonwealth.

SECTION 2. The inhabitants and tax-payers of said town of Gosnold shall be held to pay to the collector of the town of Chilmark, all arrearages of taxes legally assessed upon them before the first day of January, eighteen hundred and sixty-four; and also their proportion of such state and county taxes as may be assessed upon them before the taking of the next state valuation, said proportion to be ascertained and determined by the last state valuation of said town of Chilmark; and said town of Gosnold shall be holden to pay its just proportion according to its present assessed valuation, of the debts due and owing from the town of Chilmark at the time of the passage of this act, and shall be entitled to receive its just proportion according to said assessed valuation of all the real and personal property and assets owned by, or due to said town of Chilmark; and said town of Gosnold shall be held to refund to said town of Chilmark its just proportion of the surplus revenue when the same shall be called for according to the provisions of law, such proportion to be ascertained by the decennial state valuation next preceding such call.

SECTION 3. The said towns of Chilmark and Gosnold shall be respectively liable for the support and maintenance of all persons who are now receiving relief from Chilmark as paupers, according to the last decennial valuation of property within their respective limits; and the said towns of Chilmark and Gosnold shall be respectively liable for the support of all persons who may hereafter stand in need of relief as paupers, whose settlement was gained by or derived from a settlement gained or derived within their respective limits.

SECTION 4. The said town of Gosnold shall remain in the same congressional, councillor, senatorial and representative districts, until a new apportionment of representatives in congress, and councillors and senators and representatives in the general court shall be made.

SECTION 5. Any justice of the peace for Dukes County may issue his warrant directed to any principal inhabitant of said town of Gosnold, requiring him to notify the inhabitants thereof, qualified to vote in town affairs to meet at the time and place therein appointed, for the purpose of choosing all such town officers as towns are by law authorized and required to choose at their annual meetings; and said warrant shall be served by posting up one copy thereof, attested by the person to whom the same is directed, in some proper place where most of the inhabitants are located, on each of the following named islands, to wit: Naushon, Nashawena, Penikese, Cuttyhunk and Pasque, fourteen days at least before the time of holding said meeting. The selectmen of Chilmark shall, before said meeting, prepare a list of voters in said town of Gosnold qualified to vote in said meeting, and shall deliver the same, or cause the same to be delivered to the person presiding at said meeting before the choice of moderator thereof.

Warrant for election of town officers.

Selectmen of Chilmark to prepare voting lists.

Approved March 17, 1864.

[1861, 209, 216; 1862, 80, 147; 1863, 118.]

AN ACT to ratify certain Acts of the Governor and Council, and to increase the Union Fund. *Chap. 98.*

Be it enacted, &c., as follows:

SECTION 1. All contracts, obligations, expenditures and payments made, and acts done, by the governor and council, in the execution of the powers conferred by the two hundred and sixteenth chapter of the acts of the year eighteen hundred and sixty-one, are hereby approved, ratified and confirmed.

Acts under authority of chap. 216, 1861, confirmed.

SECTION 2. The sum of one hundred thousand dollars is hereby added to the amount of the Union fund, created by the fifth section of the said chapter, and by chapter one hundred and forty-seven of the acts of the year eighteen hundred and sixty-two; and further issues of scrip, not exceeding that amount, may be made under the provisions of said chapter, the proceeds of which are hereby appropriated to fund the debts heretofore incurred in the execution of the powers aforesaid, beyond the amounts realized from the scrip originally authorized by the said chapters.

Union Fund increased \$100,000.

Issue of scrip.

Appropriation.

SECTION 3. The scrip authorized to be raised by this act shall be sold at public auction, in the city of Boston, at such times, and upon such previous notice, and in such amounts, as the governor and council shall deem expedient.

Sale of scrip.

SECTION 4. All provisions of law relative to the said Union fund, except so far as they are inconsistent with this act, including the provisions of the two hundred and ninth

Laws relative to fund to apply to increase.

chapter of the acts of the year eighteen hundred and sixty-one, creating a sinking fund, shall in like manner apply to the increase thereof hereby directed.

SECTION 5. This act shall take effect upon its passage.

Approved March 17, 1864.

[1868, 166.]

• **Chap. 100**

AN ACT to authorize Towns to raise Money for Monuments.

Be it enacted, &c., as follows:

Monuments to
deceased soldiers.

Towns may, at legal meetings, grant and vote such sums of money as they judge necessary, for the purpose of erecting monuments in memory of their soldiers who have died, or may die, in the service of our country in the present war.

Approved March 17, 1864.

[1868, 29.]

Chap. 101

AN ACT in addition to an Act to incorporate the Dighton and Somerset Railroad Company.

Be it enacted, &c., as follows:

Line of road
established.

SECTION 1. The Dighton and Somerset Railroad Company is hereby authorized to locate, construct and operate its railroad, as follows: beginning at a point on the railroad of the Old Colony and Newport Railway Company, in either the town of Braintree or the town of Randolph, thence in a general southerly direction, through the town of Braintree, (if the point of beginning is located therein,) and through the towns of Randolph, Stoughton, North Bridgewater, Easton, Raynham, Taunton, Dighton and Somerset, to Taunton Great River, thence across said river, between said Somerset and the city of Fall River, at a point at or near Storehouse Point, so called, thence through a part of said city of Fall River to the Old Colony and Newport Railroad, at some point between the Somerset station and Miller's station, on said last-named railroad, crossing such coves, inlets and water-courses, as may be necessary. And the Dighton and Somerset Railroad Company is hereby authorized to enter upon and use the railroad of the Old Colony and Newport Railway Company, and the Old Colony and Newport Railway Company is also authorized to enter upon and use the railroad of the Dighton and Somerset Railroad Company.

Corporation may
unite with O. C.
and N. R. Co. for
mutual use of
tracks.

Bridge across
Taunton River,
construction.

Regulations for
use of bridge and
draws.

SECTION 2. The bridge by which said Dighton and Somerset Railroad Company shall cross Taunton Great River, between Somerset and Fall River, shall be constructed with two draws, each at least sixty feet wide; which draws shall be opened by said railroad corporation, for the passage of vessels through the same, both by day and by night; the

time for which the same shall be kept open to be determined by the commissioner hereinafter provided for; said draws and bridge shall also be provided with suitable and proper lights by said corporation, and said bridge shall be built on piles for at least fourteen hundred feet of its length. Said corporation is hereby authorized to construct suitable wharves on both sides of the solid part of said bridge, at its westerly end; and the construction of said bridge, wharves and draw, shall be under the direction of some suitable person, appointed as commissioner for that purpose by the supreme judicial court, sitting in any county, on the petition of said railroad company, such notice as the court may order of said petition being first given to the towns of Dighton, Freetown, Berkley and Taunton.

Wharves.

Commissioner on construction to be appointed by S. J. court, on petition.

Notice of court.

SECTION 3. Said Dighton and Somerset Railroad Company is hereby authorized to change and alter the course of Taunton Great River, in Taunton, at a bend in said river, at or near Dean Street, so called, for the purpose of avoiding the necessity of crossing the same by one or more bridges at or near said bend; and if said railroad corporation shall decide so to change the course of the Taunton Great River, such change shall be made under the direction and to the satisfaction of a commissioner to be appointed by the supreme judicial court, sitting in any county, upon petition of said corporation, such notice as shall be ordered by the court being first given to the town of Taunton. And all persons who shall suffer any damages in their property by such change of the course of said river, or whose land shall be taken for the new channel of said river, shall have the same remedy to recover such damages, or for the taking their land, as is now provided by law for the recovery of damages occasioned by the location and construction of railroads.

Corporation may change course of Taunton Great River, under direction of a commissioner, with notice to Taunton.

Award of damages.

SECTION 4. The capital stock of said Dighton and Somerset Railroad Company is hereby increased to the sum of eight hundred and fifty thousand dollars, divided into shares of one hundred dollars each. And if the Dighton and Somerset Railroad Company, and the Old Colony and Newport Railway Company, at meetings of said two corporations called for that purpose, shall severally vote to unite and form one corporation, then upon the passage of said votes, the said Dighton and Somerset Railroad Company is hereby authorized, upon such terms as the said two corporations may mutually agree upon, to convey and assign to said Old Colony and Newport Railway Company, its franchises and property, and all the rights, easements, privileges and powers granted to it, and the same shall be held and enjoyed by

May increase capital stock.

May unite with Old Colony and Newport Co. with mutual rights of use.

said Old Colony and Newport Railway Company, in as full and ample a manner as if they had been first granted directly to said last-named corporation: and the Old Colony and Newport Railway Company shall, upon such conveyance being made to them, have and enjoy all the rights, powers, privileges, easements, franchises and property, of the Dighton and Somerset Railroad Company, and be subject to all the duties, liabilities, obligations and restrictions, imposed upon said last-named corporation. And if said union takes place, the Old Colony and Newport Railway Company is authorized to issue new stock in lieu of the authorized capital stock of the Dighton and Somerset Railroad Company, but the whole capital of the Old Colony and Newport Railway Company shall not exceed the aggregate authorized capital of the two companies.

May cross track of New Bedford and Taunton road, for compensation to be agreed upon.

Proceedings in case of disagreement.

SECTION 5. The said Dighton and Somerset Railroad Company shall have the right, and it is hereby granted to it, to cross the track of the New Bedford and Taunton Railroad Corporation, at the expense of said first-named corporation, and in such manner as the two corporations may agree upon; and if said corporations cannot agree upon the manner in which said crossing shall be made, then a commissioner, appointed by the supreme judicial court, sitting in any county, on the petition of either of said corporations, notice thereof being given to the other, shall have full power to determine the manner of such crossing, and whether the same shall be made at grade, or over or under, or whether there shall be any change of grade and if so, how much, of either road; and the crossing shall be made in the manner determined and prescribed by said commissioner, and entirely at the expense of the Dighton and Somerset Railroad Company.

Location and construction.

SECTION 6. Unless the railroad above authorized is located within one year, and constructed within two years from the passage hereof, this act shall be void and of no effect.

Taunton Branch Co. may construct road upon completion by D. and S. C. Co., or may connect with N. B. and T. road.

SECTION 7. At any time after the location of said railroad, and within two years after the construction of the same, the Taunton Branch Railroad Corporation may locate, construct and operate a railroad from some convenient point on the line of said Taunton Branch Railroad, at or near its terminus in Taunton, to some point in Taunton, on the Dighton and Somerset Railroad; or may make such connection over a portion of the New Bedford and Taunton Railroad, with the consent of the New Bedford and Taunton Railroad Corporation, provided such connection shall be

Proviso.

made on the west side of the Dighton and Somerset Railroad; and said Taunton Branch Railroad Corporation may enter with its said road upon, and unite with and use said Dighton and Somerset Railroad, in the manner and with all the rights and privileges, and subject to the provisions of the general laws which are or may be in force relating to connecting railroads. For the above purposes the Taunton Branch Railroad Corporation may increase its capital stock by an amount not exceeding one hundred thousand dollars.

May unite with
Dighton and
Somerset road.

May increase
capital.

SECTION 8. The New Bedford and Taunton Railroad Corporation may connect its road by a curve with the Dighton and Somerset Railroad, at a point in Taunton near the crossing of said railroads, and may enter upon and use the same, subject to the provisions of the general laws which are or may be in force relating to connecting railroads.

New Bedford and
Taunton, and the
Dighton and
Somerset roads
may connect.

SECTION 9. The expenses of the commissioners provided for in the second, third and fifth sections of this act shall be paid by the Dighton and Somerset Railroad Company.

Expenses of com-
missioners.

SECTION 10. This act shall take effect upon its passage.

Approved March 17, 1864.

[1866, 41.]

[1861, 148; 1863, 19.]

AN ACT concerning the Worcester Horse Railroad Company.

Chap. 102

Be it enacted, &c., as follows:

SECTION 1. The Worcester Horse Railroad Company is hereby authorized to extend its railroad tracks upon and over such streets and such highways, in the city of Worcester, as shall from time to time be designated, by a vote of the mayor and aldermen of said city, and assented to in writing by said corporation.

May extend
track.

SECTION 2. For the purpose of increasing the equipment of its road, and adding to the investment in real estate necessary for carrying on its business, said corporation may increase its capital stock by an amount not exceeding twenty-five thousand dollars; and for the purpose of extending its railroad tracks, may increase said capital by adding thereto an amount corresponding to the cost of such extension or extensions, not exceeding the rate of twenty thousand dollars per mile, for single track, including paving nine feet wide: *provided*, that the aggregate increase of capital stock hereby authorized shall be limited to seventy-five thousand dollars.

May increase
capital for equip-
ment and exten-
sion.

Provido.

SECTION 3. This act shall take effect upon its passage.

Approved March 17, 1864.

[1866, 182; 1867, 141.]

[1864, 47.]

Chap. 103 AN ACT to authorize Towns and Cities to raise Money for Recruiting Purposes.*Be it enacted, &c., as follows:*

Towns may raise money for recruiting purposes.

Proviso.

May refund money already paid or contributed.

Proviso.

Sums raised, when to be assessed.

Penalty.

Commonwealth not to reimburse.

SECTION 1. Any town or city may raise money, by taxation or otherwise, and apply the same, under the direction of its selectmen, or mayor and aldermen, or city council, in aid of and for the purpose of procuring its proportion of the quota of volunteers in the military service, called for from the Commonwealth under the orders of the president of the United States, dated October seventeenth, eighteen hundred and sixty-three, and February first, eighteen hundred and sixty-four: *provided*, that the amount of money so raised and applied shall not exceed the sum of one hundred and twenty-five dollars for each volunteer enlisted in said service, after the passage of this act, as a part of the quota of said town or city, under said orders of the president.

SECTION 2. Any town or city may raise money, as aforesaid, and apply the same, under the direction of its selectmen, or mayor and aldermen, or city council, in paying and refunding money which has already been paid and applied by said city or town, or contributed by individuals, in aid of and for the purpose of procuring its proportion of the quota of volunteers in the military service, called for from the Commonwealth, under the orders of the president of the United States, dated October seventeenth, eighteen hundred and sixty-three, and February first, eighteen hundred and sixty-four: *provided*, that the amount of money so raised and applied shall not exceed the sum of one hundred and twenty-five dollars for each volunteer already enlisted in said service, as a part of the quota of said town or city, under said orders of the president. But all sums raised under this act shall be assessed at the next annual assessment; and if any city or town shall neglect to cause such assessment to be made, such city or town shall pay a fine to the Commonwealth of one-tenth of one per cent. of its valuation.

SECTION 3. No town or city shall ever receive any reimbursement from the Commonwealth for any moneys raised under this act.

SECTION 4. This act shall take effect upon its passage.

Approved March 18, 1864.

[1864, 120.]

[1864, 61.]

AN ACT for Supplying the City of Worcester with Pure Water.

Chap. 104

Be it enacted, &c., as follows :

SECTION 1. The city of Worcester is hereby authorized to acquire and hold by purchase, or to take and hold, and convey to, into and through said city, the waters of East or Lynde Brook, in the town of Leicester, and any water that may flow into the same, and to acquire and hold by purchase, or to take and hold any lands or estates necessary for the laying out and maintaining an aqueduct for conducting the waters from said brook to said city, or for forming reservoirs, and may take and hold land around the margin of any water sources or reservoirs they may possess or create in the valley of said brook or elsewhere, for the purpose of supplying said city with pure water.

City may purchase East or Lynde Brook.

May hold lands and estates.

SECTION 2. If at any time the supply of water from said East or Lynde Brook shall be insufficient for the wants of said city, the said city may take and conduct the water of Henshaw Pond in said Leicester and the waters that may flow into and from the same, or the waters of Kettle Brook, so called, in said Leicester, by suitable works, into the aqueduct first constructed from said East or Lynde Brook, or into any reservoir connected therewith.

May take waters of Henshaw Pond and Kettle Brook.

SECTION 3. The said city may make and build a permanent aqueduct from either of the aforesaid water sources, to, into and through the said city, and secure and maintain the same by any works suitable therefor ; may erect and maintain a dam or dams across the valley of said brooks, or at the outlet of said pond, to raise and retain the waters therein ; and may erect and maintain reservoirs, enlarge and alter water-courses, make and maintain public hydrants, in such places as may be deemed proper ; may distribute the water through the city, and for that purpose may lay down pipes through and across any street, road or highway, or over and across lands to any buildings in said city or in said town of Leicester ; may regulate the use of the water, and establish and fix rents or rates for the consumption and use thereof, and may make and ordain all necessary rules, regulations and ordinances, to prevent the waste, misuse and wrongful taking of said water : and said city may, for the purposes aforesaid, carry and conduct said aqueduct over, under, across or along any street, highway or other way, in such manner as not to obstruct travel thereon, and may enter upon and dig up any such road, street or highway, for the purpose of laying down pipes beneath the surface of the same, and for the repairing thereof.

May build aqueduct and erect dams, reservoirs, hydrants and lay pipes.

May regulate water-rates, and establish rules for use.

May conduct aqueduct through highways.

Rights and powers granted, how to be exercised.

SECTION 4. The rights, powers and authority given by this act, shall be exercised by the city of Worcester, subject to the restrictions, duties and liabilities herein contained, in such manner, and by such officers, servants and agents, as the city council shall from time to time ordain, appoint and direct.

City may borrow money for cost of construction.

SECTION 5. For the purpose of defraying the cost of such land, water and water rights, so purchased, taken and held as aforesaid, and of constructing and maintaining said aqueduct, reservoirs and works necessary for the accomplishment of the end contemplated by this act, and all expenses incident thereto, the city council shall have authority to borrow from time to time, such sums of money, and to issue bonds, notes or certificates therefor, to be denominated on the face thereof "Worcester water scrip," to an amount not exceeding two hundred thousand dollars, bearing interest at a rate not exceeding six per cent., payable semi-annually, and the principal to be made payable at periods not more than twenty years from the issuing of said scrip; and the city council may sell the whole or any part of said scrip, from time to time, or pledge the same for money borrowed for the purposes of this act, on such terms and conditions as it may deem proper; and the said city council is hereby further authorized to grant appropriations, and assess, from time to time, such sums of money, not exceeding in any one year the sum of ten thousand dollars, towards paying the principal of the moneys so borrowed, besides a sum sufficient to pay the interest thereof, in the same manner as moneys are appropriated and assessed for other city purposes.

May issue scrip, and sell or pledge same.

May assess money for payment of principal and interest.

Water rates, how fixed.

SECTION 6. To enable the city council to pay the interest as it may accrue upon the said scrip, and ultimately the principal thereof, and for the support and maintenance of said aqueduct, it shall be lawful for the said city council to fix and establish the price or rate which shall be paid for the use of any part of said water by any taker thereof, and the same to alter from time to time as may be deemed expedient.

Penalty for wanton diversion or corruption of waters, and injury to dams, aqueduct, &c.

SECTION 7. If any person shall wantonly or maliciously divert the waters or any part thereof, from any of the ponds, brooks, reservoirs or water sources which shall be purchased or taken by the city pursuant to the provisions of this act, or shall corrupt the same, or destroy or injure any dam, aqueduct, conduit, pipe, hydrant or other property, held and used by the city, by authority and for the purposes of this act, every such person or persons shall forfeit and pay to the said city of Worcester three times the amount of the damages that shall be sustained thereby, to be recovered in any proper

action; and upon indictment and conviction for either of said acts, shall be punished by a fine not exceeding one thousand dollars, and by imprisonment in the house of correction in the county of Worcester not exceeding one year.

SECTION 8. All damages that may be sustained by reason of the taking by said city of any land or of the brooks or ponds aforementioned, or of the water thereof, or the water-rights connected therewith, or of diverting any portion of said water from its natural channel into other channels, or of erecting and maintaining any dam or reservoir, or digging up any land, street, road or highway, and entering upon the same for laying, repairing and maintaining pipes, conduits, hydrants and other apparatus necessary thereto, shall be paid by the said city of Worcester, to the individual or corporation injured, which damages shall be assessed in the manner provided in the general laws in regard to highways.

Damages sustained by individuals or corporations, how paid.

SECTION 9. This act shall take effect upon its passage.

Approved March 18, 1864.

[1865, 196; 1866, 199; 1867, 106, 269.]

AN ACT to incorporate the Proprietors of the Lyceum Hall and Chapel in Marlborough. *Chap. 105*

Be it enacted, &c., as follows:

SECTION 1. Erastus P. Dart, Abel Howe, George H. Morse, their associates and successors, are hereby made a corporation, by the name of the Proprietors of the Lyceum Hall and Chapel Building, for the purpose of erecting a building or buildings in Marlborough, and maintaining the same for the accommodation and purposes of a church, lyceum hall, lectures, or any other lawful purpose; with all the powers and privileges and subject to all the duties, restrictions and liabilities, set forth in the general laws which are or may be in force, so far as applicable to said corporation.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation shall have a capital stock of twelve thousand dollars, divided into shares of one hundred dollars each; with liberty to pay in and increase the same to an amount not exceeding thirty thousand dollars, and may hold for the purposes aforesaid, real and personal estate not exceeding the amount of the capital stock.

Capital stock.

Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved March 21, 1864.

Chap. 106 AN ACT to authorize Luther Eldridge and Philip Stetson to extend their Wharf in Chatham.

Be it enacted, &c., as follows :

May extend wharf in Chatham.

SECTION 1. Luther Eldridge and Philip Stetson, owners of a wharf in the town of Chatham, at a place called Harding's Beach, are hereby authorized to extend said wharf twenty-five feet beyond low-water mark, and to lay vessels at said wharf and receive wharfage and dockage therefor: *provided*, that this grant shall not impair the legal rights of any person.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved March 21, 1864.

[1856, 168: 1859, 20; 1861, 29.]

Chap. 107 AN ACT to extend the Time for the Location and Construction of the Springfield and Farmington Valley Railroad.

Be it enacted, &c., as follows :

Time for location and construction extended.

The time for the location and construction of the Springfield and Farmington Valley Railroad is hereby extended three years from the time designated in the twenty-ninth chapter of the acts of the year eighteen hundred and sixty-one.

Approved March 22, 1864.

[1867, 53.]

Chap. 108 AN ACT to incorporate the North Adams Water Company.

Be it enacted, &c., as follows :

Corporators.

Name and purpose.

Powers and duties.

Real and personal estate.

Capital stock.

May hold streams, ponds and lands in Adams.

SECTION 1. Sylvander Johnson, John B. Tyler, Amasa W. Richardson, their associates and successors, are hereby made a corporation, by the name of the North Adams Water Company, for the purpose of supplying the inhabitants of the village of North Adams, in the town of Adams, with pure water; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which are or may be in force so far as the same are applicable to this corporation.

SECTION 2. Said corporation may for the purposes aforesaid hold real and personal estate not exceeding in amount fifty thousand dollars; and the whole capital stock shall not exceed sixty thousand dollars, to be divided into shares of one hundred dollars each.

SECTION 3. Said corporation may take, hold and convey to, into and through the village of North Adams, the water of any spring or springs, or of any natural pond or ponds, brook or brooks, within said town of Adams, north of the old military line in said town, or in the town of Clarksburg, and may take and hold real estate, necessary for laying and maintaining aqueducts and reservoirs, and may take and hold land upon and around the margin of any such spring,

pond or brook, to an extent not exceeding one acre to each spring, pond, or brook so taken. Said company shall, within sixty days from the time of taking any lands, springs, ponds or brooks, as before provided, file in the office of the registry of deeds in the northern district of the county of Berkshire, a description of the lands, springs, ponds or brooks so taken, as certain as is required in a conveyance of land, and a statement of the purpose for which the same is taken, signed by the president of said company.

Shall file description of lands and waters taken.

SECTION 4. The said company may make aqueducts from any sources before mentioned, through any part of the village of North Adams, or the town of Clarksburg, and may maintain the same by suitable works, may make reservoirs and hydrants, and may distribute the water throughout said village, by laying down pipes, and may establish the rent therefor; and for the purposes aforesaid may enter upon and dig up any road, under the direction of the selectmen of the town of Adams, or of the town of Clarksburg, as the case may be, in such manner as to cause the least hindrance to the travel thereon.

Company may build reservoirs, aqueducts, &c.

May dig up highways and lay pipes.

SECTION 5. All damages sustained by taking land, water or water rights, or by making aqueducts, reservoirs or other works, shall be ascertained, determined and recovered, in the manner provided by law in case of land taken for highways.

Damages, how recovered.

SECTION 6. Any person who shall maliciously divert the water, or any part thereof, of the sources which shall be taken by the said company pursuant to the provisions of this act, or who shall maliciously corrupt the same or render it impure, or who shall maliciously destroy or injure any dam or reservoir, aqueduct-pipe or hydrant or other property, held, owned or used by the said company for the purposes of this act, shall pay three times the amount of actual damage to the said company, to be recovered by any proper action; and every such person on conviction of either of the malicious acts aforesaid, shall be punished by fine not exceeding one hundred dollars, and imprisonment not exceeding six months.

Penalty for malicious diversion or corruption of waters, and injury to works.

SECTION 7. This act shall take effect upon its passage.

Approved March 22, 1864.

[1864, 191; 1866, 99; 1867, 54.]

[1850, 184; 1854, 16; 1859, 213.]

AN ACT concerning the Fire Department of the City of Lynn.

Chap. 109

Be it enacted, &c., as follows:

SECTION 1. The city council of the city of Lynn may establish a fire department for said city, to consist of as

Fire department may be established.

many engineers, officers, engine-men and members, as the city council, by ordinance, shall from time to time prescribe.

City council to direct organization.

SECTION 2. The city council shall have authority to make such provisions in regard to the time and mode of appointment, and the occasion and manner of the removal of either officers or members; to make such requisitions in respect to their qualifications and period of service; to define their office and duty; to fix and provide for the payment of their compensation; and generally, to make such regulations in regard to their conduct and government and to the management and conduct of fires and persons attending at fires, subject to penalties, to be prescribed by ordinance, as they shall deem expedient: *provided*, said ordinances be not repugnant to the laws of the Commonwealth; and *provided, also*, that the appointment of engine-men, hose-men, hook and ladder men, shall be made by the mayor and aldermen.

Proviso.

Powers of council may be delegated.

SECTION 3. The powers and duties conferred and imposed by this act may be carried into effect by the city council in any manner they may prescribe and through the agency of any person or board to whom they may delegate the same.

Repeal.

SECTION 4. The act entitled "An Act to establish a fire department in the town of Lynn," passed on the twenty-third day of April, in the year eighteen hundred and thirty-six, and all other acts and parts of acts in addition thereto, are hereby repealed.

When to be in force.

SECTION 5. This act shall take effect upon its passage; but it shall not operate upon existing laws and ordinances, relating to the fire department of the city of Lynn, until it shall have been adopted by the city council thereof, and until said council shall have passed an ordinance establishing a fire department for said city under the authority of this act.

Approved March 22, 1864.

[1867, 95; 1868, 308, 345.]

Chap. 115

AN ACT to incorporate the Mariner's Exchange.

Be it enacted, &c., as follows:

Corporators.

Name and purpose.

Powers and duties.

SECTION 1. Phineas Stowe, Isaac Woodbury, Henry C. Gannett, Clement A. Wilson, their associates and successors, are hereby made a corporation by the name of the Mariner's Exchange in the city of Boston, for the purpose of promoting the physical well-being, and the moral and intellectual improvement of seamen; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws which are or may be in force, so far as applicable.

SECTION 2. The said corporation may take and hold real estate not exceeding twenty-five thousand dollars and personal property not exceeding ten thousand dollars for the purposes aforesaid. Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved March 26, 1864.

[1861, 54.]

AN ACT to authorize Sylvanus N. Staples and Another to build a Wharf Chap. 116
in Taunton.

Be it enacted, &c., as follows :

Sylvanus N. Staples and William H. Phillips, proprietors of land and flats situated in that part of Taunton known as Weir Village, and adjoining Taunton Great River, on the easterly side thereof, are hereby authorized to build and maintain a wharf, adjacent to their said land and flats, and extending into said river to a straight line drawn from the north-westerly corner of the wharf of Joseph W. Briggs, up the river three hundred and seven feet, to a point at low-water mark, adjoining land of Allen Presbrey; with a right to lay vessels, not more than one deep, along the front of said wharf, and to receive wharfage and dockage therefor: *provided, however*, that this grant shall in no wise impair the legal rights of any person; and *provided, also*, and this grant is upon condition, that the said Staples and Phillips shall, before completing said wharf, so widen and excavate the channel in front of the same, that said channel shall be at least thirty feet wide outside of any vessel lying along the front of said wharf, and of a depth equal to the depth of water in the channel where the same passes under Weir Bridge. May build wharf in Taunton.

Approved March 26, 1864.

[1846, 212; 1847, 30, 182, 257; 1848, 264; 1849, 201; 1850, 36; 1851, 236; 1852, 306; 1853, 151; 1854, 37; 1855, 415; 1856, 296; 1857, 128, 166.]

AN ACT to provide for a Draw in the Bridge of the Grand Junction Chap. 117
Railroad, so called, over Chelsea Creek.

Be it enacted, &c., as follows :

Chapter two hundred and twelve of the acts of the year eighteen hundred and forty six, entitled "An Act to incorporate the Chelsea Branch Railroad Company," and the several acts in addition thereto, and concerning said company, are hereby so amended, that said company, its successors and assigns, shall construct and maintain a good and sufficient draw of not less than forty feet in width in their railroad bridge across Chelsea Creek between East Boston and Chelsea, in place of their present draw in said bridge. Said draw shall be completed within four months after the passage of this act, and the provisions of all general Act of 1846 and Acts in addition thereto amended.

Draw, when to be completed.

laws, which are or may be in force relating to drawbridges in railroads, shall apply to the same.

Approved March 26, 1864.

[1866, 278; 1867, 342.]

[1817, 64; 1843, 6.]

Chap. 118

Elections and
acts of officers
confirmed.

AN ACT to confirm the Doings of the Salem Savings Bank.
Be it enacted, &c., as follows:

SECTION 1. The elections of members, trustees and officers of the Salem Savings Bank, and the doings of the persons heretofore and at present acting as trustees and officers, are hereby confirmed and made valid, to the same extent as they would have been if the elections had been held by ballot, as required by its act of incorporation; and the acts of the trustees of said bank are hereby made valid, to the same extent that they would have been, had said trustees been sworn.

SECTION 2. This act shall take effect upon its passage.

Approved March 26, 1864.

[1865, 70; 1866, 9.]

Chap. 119

AN ACT to set off a Part of the Town of Stoughton, and annex the Same to the Town of Sharon.

Be it enacted, &c., as follows:

Territory set off.

SECTION 1. So much of the town of Stoughton as lies on the westerly side of the centre of the highway leading from Boston to Taunton, known as the "Old Bay Road," is hereby set off, with all the inhabitants and estates thereon, from said town of Stoughton, and annexed to the town of Sharon.

Apportionment
of taxes.

SECTION 2. The inhabitants and estates so set off shall be held to pay all taxes that have been legally assessed on them by the town of Stoughton, in the same manner as if this act had not been passed; and until the next decennial valuation of estates in this Commonwealth, the town of Sharon shall annually pay over to the town of Stoughton the proportion of any state or county tax which the said town of Stoughton may have to pay upon the inhabitants and estates so set off.

Apportionment
of debt.

SECTION 3. The town of Sharon shall be held to pay to the town of Stoughton a just proportion of the debt of said town of Stoughton, owing on the first day of January, in the year eighteen hundred and sixty-three, amounting to the sum of thirty-one thousand eight hundred and ninety-one dollars and thirty-three cents, which the inhabitants and estates so set off to the town of Sharon would have been held to pay if this act had not passed; such proportion to be ascertained and determined by the assessed valuation, for the year eighteen hundred and sixty-three, of the polls and estates so set off.

SECTION 4. The inhabitants so set off from the town of Stoughton shall, for the purpose of electing national and state officers, senators and representatives in the general court, until another apportionment of the same shall be made, remain as before the passage of this act; and shall vote in the election of said officers with the inhabitants of the town of Stoughton. Election district.

SECTION 5. The town of Sharon shall relieve and support such paupers as may have gained legal settlements in the town of Stoughton while living in that part of Stoughton by this act set off to Sharon. Support of paupers.
Approved March 26, 1864.

[1864, 103.]

AN ACT in addition to an Act to authorize Towns and Cities to raise Money for Recruiting Purposes. Chap. 120

Be it enacted, &c., as follows:

SECTION 1. Any town or city may raise money, by taxation or otherwise, and apply the same, under the direction of its selectmen, or mayor and aldermen, or city council, in aid of, and for the purpose of procuring its proportion of the quota of volunteers in the military service, called for from the Commonwealth under any order or call of the president of the United States issued after the first day of March, eighteen hundred and sixty-four, and before the first day of March, eighteen hundred and sixty-five: *provided*, that the amount of money so raised and applied shall not exceed the sum of one hundred and twenty-five dollars for each volunteer enlisted in said service, as a part of the quota of said town or city, under the orders of the president, issued during said period. Authority granted in future calls for volunteers.

SECTION 2. No town or city shall ever receive any reimbursement from the Commonwealth for any moneys raised under this act. Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved March 28, 1864.

[1847, 29, 258; 1849, 27; 1850, 106; 1854, 433; 1860, 217; 1861, 105, 133; 1862, 195; 1863, 9.]

AN ACT concerning the City of Charlestown.

Chap. 123

Be it enacted, &c., as follows:

The action of the city of Charlestown on the twenty-ninth day of June in the year eighteen hundred and sixty-three, in the laying out and extension of Richmond Street, and the widening of Chapman Street, whereby certain lands of the Commonwealth have been taken for the streets aforesaid, is hereby ratified and confirmed, so far as the taking of the lands of the Commonwealth is concerned: *provided*, that the Acts of city respecting certain highways confirmed.

File of plan. said city shall remove and reconstruct the fences to the satisfaction of the inspectors of the state prison ; and *provided, further*, that the city of Charlestown shall file with the secretary of the Commonwealth a copy of the record and plan of the said laying out and widening.

Approved March 30, 1864.

[1864, 160, 176; 1865, 135; 1866, 212; 1867, 35, 60, 66, 224, 277, 243; 1868, 202, 249, 253.]

[1863, 70.]

Chap. 124 AN ACT in addition to an Act to incorporate the Massachusetts Powder Works.

Be it enacted, &c., as follows :

May exercise corporate franchise in certain towns.

SECTION 1. The Massachusetts Powder Works are hereby authorized to exercise their corporate franchise in the towns of Acton, Concord, Stow and Sudbury, in the county of Middlesex, as well as in the town of Barre, in the county of Worcester.

\$100,000 additional capital stock.

SECTION 2. Said corporation is hereby authorized to increase its capital stock, by adding thereto a sum not exceeding one hundred thousand dollars, and to invest the same in real or personal estate, as may be necessary and convenient for carrying on its business.

SECTION 3. This act shall take effect upon its passage.

Approved March 30, 1864.

[1868, 76.]

Chap. 125 AN ACT to confirm certain Acts done by Lyman E. Munson as a Commissioner of Deeds.

Be it enacted, &c., as follows :

Acts done as commissioner confirmed.

SECTION 1. All acts done by Lyman E. Munson, of New Haven, in the state of Connecticut, as a commissioner for Massachusetts, between the ninth day of April in the year one thousand eight hundred and fifty-seven and the eighteenth day of January in the year one thousand eight hundred and sixty-four, inclusive, are hereby made valid and confirmed, to the same extent as they would have been valid had he been during that interval duly qualified to discharge the duties of the said office.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1864.

[1772, 3; Special Laws, vol. 3, p. 34; 1813, 171; 1854, 448; 1862, 204.]

Chap. 128 AN ACT concerning the Overseers of the Poor of the City of Boston.
Be it enacted, &c., as follows :

"The Overseers of the Poor in the City of Boston."

SECTION 1. The overseers of the poor in the town of Boston, incorporated on the twenty-fifth day of April, in the year one thousand seven hundred and seventy-two, shall be known and called by the name of "The Overseers of the

Poor in the City of Boston," and as such shall continue to hold and possess all the property, and be entitled to all the rights and privileges, and be subject to all the duties, liabilities and obligations, which now belong or appertain to said corporation, whether as successors of the corporation above mentioned, or as successors of the corporation or body politic incorporated by the forty-fourth chapter of the acts of the year eighteen hundred and two, by the title of "The Trustees of John Boylston's charitable Donations, for the Benefit and Support of aged Poor Persons, and of Orphans and Deserted Children," including the faithful administration and execution of all the trusts, bequests, legacies, endowments and charities confided to them, which have been heretofore, or shall hereafter be, accepted by them.

Powers and duties.

SECTION 2. The said overseers of the poor in the city of Boston shall consist of twelve persons, residents of the city, and be elected by the city council of said city of Boston, by concurrent vote, in the following manner, within sixty days next after this act shall take effect: The said city council shall elect four persons to hold their office until the first Monday in April, in the year eighteen hundred and sixty-seven, and until other persons are elected in their places; four persons to hold their office until the first Monday in April, in the year eighteen hundred and sixty-six, and until others are elected in their places; and four persons to hold their office until the first Monday in April, in the year eighteen hundred and sixty-five, and until others are elected in their places; and thereafterwards annually on the first Monday in February, or within sixty days thereafter, four persons to hold their office for the term of three years from and after the first Monday in April next following such elections, respectively, and until other persons are elected in their places. Vacancies occurring in said corporation, from any cause, may be filled by said city council, in like manner, at any time; and the person elected to fill any vacancy shall hold his office during the term for which his predecessor was elected. The city council shall also have power, at any time for cause, to remove either of said overseers from office.

Board to consist of twelve persons elected by city council.

Vacancies, how filled.

May remove for cause.

SECTION 3. The persons so first elected as overseers of the poor in the city of Boston, shall meet and organize on the first Monday of the month succeeding their election, and those thereafterwards elected shall meet for that purpose on the first Monday in April of each year. They shall choose a chairman from their own number, and a treasurer, secretary, and such subordinate officers as they may deem

Organization.

expedient, and shall define their duties and fix their respective salaries.

Accounts and reports.

SECTION 4. Said overseers shall render such accounts and reports of their expenditures, acts and doings, as may be required by the city council, and the same shall be audited and allowed, if according to law, in such manner as the city council shall from time to time determine.

Present board to hold until others are elected.

SECTION 5. The present members of the corporation shall hold their office until others are elected in their places, under the provisions of this act.

Private interest in contracts forbidden.

SECTION 6. No one of said overseers, nor any individual in their employ, shall be interested in a private capacity, directly or indirectly, in any contract or agreement for labor or for articles furnished by direction of said overseers, unless the same be expressly authorized by a recorded vote of the board.

Repeal.

SECTION 7. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

Approved April 2, 1864.

[1868, 183.]

[1863, 169.]

Chap. 129 AN ACT to authorize the Boston and Fairhaven Iron Works to construct a Railroad Track in Fairhaven.

Be it enacted, &c., as follows :

May connect with track of Fairhaven Railroad Co., for purposes of transportation.

SECTION 1. The Boston and Fairhaven Iron Works and its assigns is hereby authorized to construct and maintain a railroad track from its foundry and machine shop, located on Laurel Street in Fairhaven, in the county of Bristol, to connect with the track of the Fairhaven Railroad, at a point near the works of the Empire Rock Oil Company, a distance not exceeding twelve hundred feet in length, for the purpose of facilitating the transportation of merchandise.

May cross Chestnut and Union Streets.

SECTION 2. Said corporation may construct said railroad track across the proposed extension of Chestnut and Union Streets, and another street lying easterly thereof, at grade, with good and sufficient crossings, for teams and carriages, under the direction and to the satisfaction of the selectmen of the town of Fairhaven.

Connection to be made by consent.

SECTION 3. The connection of said track with the track of the Fairhaven Railroad, shall be made only with the consent of the corporation owning the Fairhaven Railroad.

SECTION 4. This act shall take effect upon its passage.

Approved April 2, 1864.

[1864, 47.]

AN ACT to further extend the provisions of "An Act to provide for the Payment of Bounties to Volunteers, and for other Purposes." Chap. 130

Be it enacted, &c., as follows:

SECTION 1. The provisions of chapter two hundred and fifty-four of the laws of the year eighteen hundred and sixty-three shall be, and the same hereby are, so extended as to entitle all persons who shall enlist, or re-enlist, and be mustered into the military service of the United States, as a part of the quota of Massachusetts, under the call of the president, of the fourteenth of March in the year eighteen hundred and sixty-four, or under any future call, to the same bounty or pay as provided for in said act for those of the quota of the Commonwealth, under the call of the president for three hundred thousand men, dated October seventeenth in the year eighteen hundred and sixty-three. And all the provisions of said act, in relation to the manner of offering and paying said bounty or pay, shall be applicable to all cases under the provisions of this act: *provided*, *however*, that nothing in this act shall authorize the payment of any bounty to any drafted man or substitute; and *provided, also*, that the governor, with the approval of the council, is authorized to suspend the operation of this act by proclamation, whenever it shall seem to him expedient.

Enlistments
under call of
March 14, 1864,
and future calls.

Provisions Act of
'68, how applica-
ble.
Provisions.

SECTION 2. This act shall take effect upon its passage.

Approved April 5, 1864.

[1864, 143, 211; 1866, 172, 282; 1867, 136; 1868, 107, 115.]

AN ACT to incorporate the Amherst Savings Bank.

Chap. 131

Be it enacted, &c., as follows:

SECTION 1. Ithamar F. Conkey, George Cutler, Charles Adams, their associates and successors, are hereby made a corporation, by the name of the Amherst Savings Bank, to be established and located in the town of Amherst; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in the fifty-seventh chapter of the General Statutes, and in all other laws of this Commonwealth relating to institutions for savings.

Corporators.

Name.

Powers and du-
ties.

SECTION 2. This act shall take effect upon its passage.

Approved April 5, 1864.

[1848, 172.]

AN ACT to revive the Charter of the Pittsfield and New Haven Railroad Company. Chap. 132

Be it enacted, &c., as follows:

SECTION 1. So much of the first section of chapter one hundred and seventy-two of the acts of the year one thou- Charter revived.

Powers and duties.

said eight hundred and forty-eight, as incorporated the Pittsfield and New Haven Railroad Company, is hereby revived, and said corporation shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions, set forth in the sixty-third chapter of the General Statutes, and all other general laws relative to railroads and railroad corporations.

Company may locate and construct road.

SECTION 2. Said company may locate, construct and maintain a railroad, with one or more tracks, from some convenient point in either of the towns of Lee or Lenox, at or near the line of the Stockbridge and Pittsfield Railroad, and thence, by the route indicated in the second section of said chapter one hundred and seventy-two, to the line of the state of Connecticut at Colebrook.

May connect with Stockbridge and Pittsfield Railroad.

SECTION 3. Said company, with consent of the Stockbridge and Pittsfield Railroad Company may connect their railroad with the railroad of said Stockbridge and Pittsfield Railroad Company, at some convenient point in Lee or Lenox, and may enter upon and use the same, pursuant to the provisions of the general laws relative to connecting railroads.

Capital stock and shares.

SECTION 4. The capital stock of said company shall be nine hundred thousand dollars, in shares of one hundred dollars each.

Location to be filed in two years and road constructed in four years.

SECTION 5. This act shall be void if said company shall not file the location of their railroad within two years, and construct their railroad within four years from the passage of this act.

Approved April 5, 1864.

[1864, 242, 245, 246, 249, 260; 1865, 176; 1866, 157; 1867, 128; 1868, 313, 316.]

[1859, 144; 1860, 17; 1861, 16; 1862, 118.]

Chap. 133 AN ACT in addition to an Act to incorporate the Cliftondale Railroad Company.

Be it enacted, &c., as follows :

Trustees, with consent of S. J. court, may sell property, if conditions of bonds are not fulfilled.

SECTION 1. In case of failure by the Cliftondale Railroad Company in the performance of any of the conditions of the bonds issued by said company pursuant to the provisions of section nine of chapter one hundred and forty-four of the acts of the year eighteen hundred and fifty-nine, the trustees shall petition the supreme judicial court for leave to sell the property conveyed to them, to secure payment of said bonds, pursuant to said provisions; and thereafter the same shall be sold in such way and manner as the court may order; and after payment of all costs and expenses, there shall be paid into the sinking fund a sum which, added to the amount then on hand, shall equal the amount of said bonds, and any interest thereon due and unpaid, and the remainder thereof paid to the said corporation.

Proceeds of sale, how disposed of.

SECTION 2. The purchaser or purchasers at such sale may associate themselves together, under any name by them assumed, for the purpose of managing said railroad, and they shall, together with their successors and assigns, be and remain a body corporate under the name assumed by them; but before commencing business they shall make a certificate, setting forth their corporate name, the amount of capital actually paid in and the par value of the shares, which certificate shall be signed and sworn to by the president, treasurer, clerk, and a majority of the directors of said company, published three days in two Boston daily papers, and filed with the secretary of the Commonwealth; and when organized they shall be a corporation, with like powers and privileges and subject to all the duties, liabilities restrictions set forth in the act incorporating the Cliftondale Railroad Company and all acts in addition thereto, and in the general laws relating to street railroad companies.

Purchasers may associate as body corporate.

Shall publish and file certificate.

Powers and duties.

SECTION 3. This act shall take effect upon its passage.

Approved April 5, 1864.

[W. C. 1857, 242. S. 1857, 250; 1863, 132. C. 1853, 383; 1854, 205; 1855, 24, 338, 368; 1857, 278.]

AN ACT concerning the West Cambridge Horse Railroad Company.

Chap. 134

Be it enacted, &c., as follows:

SECTION 1. The West Cambridge Horse Railroad Corporation is hereby authorized to construct tracks in Cambridge and Somerville, from some convenient point on the Cambridge Railroad, to connect with the Somerville Horse Railroad, at such point, near Porter's hotel, as may be agreed upon in writing by the companies owning the two railways, subject to location by the board of aldermen of the city of Cambridge, and the selectmen of the town of Somerville: *provided, however*, that before the location of such tracks, the said board of aldermen and said selectmen shall give notice to the abutters thereon, fourteen days at least before the hearing, that they may show cause, if any there be, why said track should not be so located.

May connect with Somerville Horse Railroad.

Location.

Proviso.

SECTION 2. The cars of said corporation shall be run with such motive power as the selectmen of the towns of Somerville and West Cambridge, and the board of aldermen of the city of Cambridge shall prescribe.

Motive power.

SECTION 3. The West Cambridge Horse Railroad Company is hereby authorized to unite and consolidate itself with the Cambridge Railroad Company, at such time and on such terms as may be mutually agreed upon by said corporations, and when thus united, said corporations shall constitute one corporation, under the name of the Cambridge

May unite with Cambridge Railroad.

Proviso.

Railroad Company: *provided, however*, that the terms of such union shall be approved by a majority in interest of the stockholders of each of said corporations, respectively, present and voting at meetings called for the purpose; which meetings shall be notified by publication twelve times successively in two daily papers, published in Boston, and approved by the secretary of the Commonwealth.

Franchise of new corporation.

SECTION 4. The corporation formed as aforesaid shall have, hold, possess and enjoy, all the powers, privileges, rights, franchises, property and estates, which at the time of such union are held and enjoyed by the two corporations, so united, and shall be subject to all the duties, restrictions and liabilities, to which they are severally subject; and nothing in this act shall be construed to impair the rights of any creditor of either corporation.

Rights of creditors not impaired.

SECTION 5. This act shall take effect upon its passage.

Approved April 5, 1864.

[W. C. 1867, 221. S. 1867, 10.]

[1851, 140; 1855, 291; 1863, 47.]

Chap. 135

AN ACT in further addition to an Act incorporating the Berkshire Life Insurance Company.

Be it enacted, &c., as follows:

Re-imbusement of surplus funds to assured.

SECTION 1. At the expiration of every five years from the time of organization of the Berkshire Life Insurance Company, the remaining three-quarters of the estimated surplus funds and receipts shall be re-imbursed equitably to and among the assured, in proportion to their contributions to the same reckoning as contributions,—First, the excess of the actual premium over that required by the rate of mortality agreeing most nearly with the actual experience of the company and the assumed rate of interest accumulated at the current rate of interest: Second, the excess of interest over the assumed rate thereof on the net value of the policy from year to year, also accumulated at current interest.

Contributions of assured, how reckoned.

Repeal.

SECTION 2. The eighth section of chapter one hundred and forty of the acts of the year eighteen hundred and fifty-one, is hereby repealed.

When to take effect.

SECTION 3. This act shall take effect when accepted by the assured at a meeting of said company held for that purpose.

Approved April 5, 1864.

[1866, 44.]

[1863, 112.]

AN ACT in addition to an Act to incorporate the American Steamship Company. *Chap. 136*

Be it enacted, &c., as follows :

SECTION 1. The periods of time allowed to the American Steamship Company, for the performance of the acts required of said company, by the fourth section of the one hundred and twelfth chapter of the acts of the year eighteen hundred and sixty-three, are hereby severally extended one year. Provisions of Act of '63 extended.

SECTION 2. This act shall take effect upon its passage.

Approved April 5, 1864.

[1865, 187; 1867, 64.]

[1847, 216.]

AN ACT in addition to an Act to incorporate the Boston Society for the Prevention of Pauperism. *Chap. 140*

Be it enacted, &c., as follows :

SECTION 1. The Boston Society for the Prevention of Pauperism may take and hold real and personal estate, to an amount not exceeding fifty thousand dollars in addition to the amount which it is now allowed to take and hold, under its act of incorporation, approved the twenty-first day of April, in the year one thousand eight hundred and forty-seven. \$50,000 additional real and personal estate.

SECTION 2. This act shall take effect upon its passage.

Approved April 8, 1864.

[1866, 242.]

[1862, 154.]

AN ACT to authorize the Foxborough Branch Railroad Company to increase its Capital Stock. *Chap. 141*

Be it enacted, &c., as follows :

SECTION 1. The Foxborough Branch Railroad Company is hereby authorized to increase its capital stock one hundred thousand dollars, to be divided into shares of one hundred dollars each. \$100,000 additional capital stock.

SECTION 2. This act shall take effect upon its passage.

Approved April 8, 1864.

[1865, 89; 1866, 3; 1867, 83.]

AN ACT to incorporate the City Library Association of Springfield. *Chap. 142*

Be it enacted, &c., as follows :

SECTION 1. John L. King, Chester W. Chapin, George Bliss, James M. Thompson, Ephraim W. Bond and Homer Foot, and all persons who are now life members of the present City Library Association of Springfield, and their successors, are hereby made a corporation by the name of "The City Library Association of Springfield," for the purpose of establishing and maintaining a social library, and a museum of natural history and art, and for the Corporators. Name and purpose.

Powers and duties.

diffusion of knowledge and the promotion of intellectual improvement in the city of Springfield; with all the powers and privileges and subject to all the duties and liabilities set forth in the general laws which now are or may hereafter be in force concerning corporations, so far as applicable.

\$150,000 in real and personal estate.

SECTION 2. The said corporation may take and hold real and personal estate, to an amount not exceeding one hundred and fifty thousand dollars exclusive of books in its library and collections of natural history and works of art in its museum.

Transfer of property.

SECTION 3. All the property now owned by, or which may accrue to the present City Library Association of Springfield, may be by it transferred to the corporation hereby created. And the said corporation may take and shall hold the same, and all real and personal estate, and all moneys, books, pamphlets, curiosities, objects of art and natural history, which shall from time to time be conveyed or given to it in any form, or be purchased by it, in trust, for all the uses and purposes proper and appropriate for a public and social library and museum, the same to be used and enjoyed by the inhabitants of Springfield, under such regulations, and upon such terms, and for such compensation as may from time to time be prescribed by the by-laws of the corporation. And any grants, donations or bequests made to it, shall be held and used under and in pursuance of any conditions or rules prescribed in such grants, donations or bequests. And any bequests or devises to the present City Library Association and contained in any will made before this act shall take effect, shall inure to and be enjoyed by said corporation.

Rules and regulations.

Grants and bequests.

City may aid while citizens have free access to library.

SECTION 4. So long as said corporation shall allow the inhabitants of the city of Springfield free access to its library at reasonable hours for the purpose of using the same on the premises, said city may appropriate and pay annually towards defraying the expenses of maintaining said library, a sum not exceeding fifty cents for each of its ratable polls, in the year next preceding that in which said appropriation is made.

Approved April 8, 1864.

[1864, 47.]

Chap. 143 AN ACT to provide aid for the Families of Seamen in the Naval Service and for other Purposes.

Be it enacted, &c., as follows:

Enlistments in, or transfers to naval service, entitling to same aid as military service.

SECTION 1. Any town or city may raise money, by tax or otherwise, and apply the same in aid of the wife, child, parent, brother and sister of, and dependent upon, any person duly enlisted in the naval service, or transferred to

such service from the military service, who is credited to such town or city under the enrolment laws of the United States, in the same manner and under the same restrictions and provisions of law, as money is now raised and applied in aid of families and dependents of members of any regiment, company or battery of Massachusetts volunteers; and in the case of a person transferred and credited as aforesaid, such aid may be granted from the date of such transfer.

All the provisions of the fourth and fifth sections of chapter sixty-six of the acts of the year eighteen hundred and sixty-two, for the re-imbursement of money by the Commonwealth, shall be applicable to the money applied by a town or city as herein provided.

Re-imbursement
by Common-
wealth. Act of '62
to apply.

SECTION 2. The acts of any town or city in raising and applying money in aid of the family or dependents of a person who has been transferred from the military to the naval service, are hereby made valid to the same extent, as regards re-imbursements by the Commonwealth and otherwise, as they would have been had such person remained in the military service.

Aid by towns
made valid.

SECTION 3. The governor is authorized to offer and pay a bounty of one hundred dollars to any person who shall enlist in the naval service and be credited as part of the quota of this Commonwealth under the calls of the president of the United States, dated respectively October seventeenth, in the year eighteen hundred and sixty-three, and February first, and March fourteenth, in the year eighteen hundred and sixty-four: *provided, nevertheless*, that such bounty shall not be paid to any person, who, upon being drafted, shall enlist in such service, or to any person who shall be transferred to such service from the military service of the United States.

Governor may
pay bounty for
naval enlist-
ments.

SECTION 4. All the provisions of the fourth, fifth, sixth and seventh sections of chapter two hundred and fifty-four of the acts of the year eighteen hundred and sixty-three, in relation to the payment of bounties to volunteers, shall be applicable to the bounty provided in this act.

Proviso.

Sections of Act
of '63 to apply.

SECTION 5. This act shall take effect upon its passage.

Approved April 11, 1864.

[1864, 47.]

AN ACT to preserve the Right of Suffrage to Soldiers and Sailors.

Chap. 144

Be it enacted, &c., as follows:

Persons engaged in the military or naval service of the United States, and entitled to the right of suffrage in any town in this state, but who, by reason of such service, have

Payment or
tender of tax,
when not
assessed, to
entitle to rights.

not been assessed for taxes within two years, may pay, or tender to the treasurer of the town in which they reside the amount of a poll tax for the current year ; and thereupon shall be entitled to the right of suffrage within such town to the same extent as if their taxes had been regularly assessed and paid.

Approved April 11, 1864.

Chap. 145

AN ACT to incorporate the Trinity Parish in the Town of Milford.

Be it enacted, &c., as follows :

Corporators.

Name and purposes.

Powers and duties.

SECTION 1. George D. Underwood, R. Bacon, W. H. Chamberlin, their associates and successors, are hereby made a corporation by the name of the Trinity Parish in the town of Milford, for the purpose of establishing and maintaining religious worship in said town ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

SECTION 2. This act shall take effect upon its passage.

Approved April 11, 1864.

Chap. 146

AN ACT to incorporate the American Nail Machine Company.

Be it enacted, &c., as follows :

Corporators.

Name and purpose.

Powers and duties.

Location.

Real estate.

Capital stock.

Proviso.

SECTION 1. J. H. W. Page, George W. Warren, Lewis Rice, their associates and successors, are hereby made a corporation by the name of the American Nail Machine Company, for the purpose of manufacturing iron, steel, and other metals, nails and nail machinery, and holding patents for nail machinery, and dealing therewith, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which are or may be in force relating to manufacturing corporations.

SECTION 2. The said corporation shall have its place of business in the city of Boston, and may establish its manufactory in any town in the Commonwealth, and for this purpose may hold real estate to an amount not exceeding two hundred thousand dollars ; and the whole capital stock of said corporation shall not exceed five hundred thousand dollars, divided into shares of one hundred dollars each : *provided, however,* that said corporation shall not go into operation until the sum of one hundred and twenty-five thousand dollars of its capital stock has been paid in, in cash, in addition to the amount required for the purchase of patent rights.

SECTION 3. This act shall take effect upon its passage.

Approved April 13, 1864.

[1848, 102.]

AN ACT to revive the Charter of the Amherst Branch Railroad Company. *Chap. 147*
Be it enacted, &c., as follows :

SECTION 1. So much of the first section of chapter one hundred and two of the year eighteen hundred and forty-eight as incorporated the Amherst Branch Railroad Company is hereby revived, and Leonard M. Hills and Charles Adams, of Amherst, and Thaddeus Smith, of Hadley, are added to the list of corporators; and said corporation shall have all the powers and privileges and be subject to all the duties, liabilities and restrictions set forth in the sixty-third chapter of the General Statutes and all other general laws relative to railroads and railroad corporations.

Act incorporat-
ing partially
revived.Additional corpo-
rators.Powers and
duties.

SECTION 2. The capital stock of said company shall be two hundred thousand dollars, in shares of one hundred dollars each.

Capital stock.

SECTION 3. Said company may locate, construct and maintain a railroad, with one or more tracks, from some convenient point connecting with the New London and Northern Railroad in the town of Amherst within one-half mile of Amherst College, through the towns of Hadley and Hatfield, crossing the Connecticut River and connecting with the Connecticut River Railroad at any point between the station-house of said railroad in Northampton, and Cutter's Crossing, so-called, in Hatfield.

Location.

SECTION 4. Said company may cross the Connecticut River Railroad and also connect their road with the New Haven and Northampton Railroad, on the station grounds of said railroad in Northampton: *provided, however,* that they shall not interfere with the depot buildings of either of the roads with which they are authorized by this act to connect their road.

May cross Conn.
River road and
connect with New
Haven and
Northampton.
Proviso.

SECTION 5. Unless said Amherst Branch Railroad Company shall file the location of their road on or before the first day of June in the year eighteen hundred and sixty-six and complete the same within two years thereafter, this act shall be void.

Conditions of
validity of Act.*Approved April 13, 1864.*

[1866, 230.]

[1860, 35; 1863, 170.]

AN ACT in addition to an Act to incorporate the Melrose and South Reading Railroad Company. *Chap. 148*

Be it enacted, &c., as follows :

SECTION 1. The Melrose and South Reading Railroad Company is hereby authorized to construct, maintain and use a railway with convenient single or double tracks, upon and over such streets and highways in the town of Reading

May construct
road in Reading.

as shall be from time to time fixed and determined by the selectmen of said town.

Powers and duties.

SECTION 2. Said company, as regards the railroad hereby authorized to be constructed and maintained, shall have all the powers and privileges, and shall be subject to the duties, liabilities and restrictions set forth in the act incorporating the Melrose and South Reading Railroad Company, and in the general laws relating to street railway companies.

SECTION 3. This act shall take effect from its passage.

Approved April 13, 1864.

[1864, 297; 1865, 139; 1867, 273; 1868, 273.]

[1845, 186; 1851, 5, 244; 1855, 266, 290.]

Chap. 149 AN ACT to authorize the Lexington and West Cambridge Railroad Company to sell its Road and Franchise.

Be it enacted, &c., as follows :

May sell to other railroad corporation.

SECTION 1. The Lexington and West Cambridge Railroad Company is hereby authorized by a vote of a majority in interest of the stockholders, at a meeting legally held for that purpose, to sell and convey to any other railroad company its franchise, railroad and other corporate property.

Any other railroad may purchase and hold franchise.

SECTION 2. Any other railroad company in this Commonwealth may purchase and hold the franchise, railroad and other corporate property of said Lexington and West Cambridge Railroad Company and shall thereby have all the powers and privileges and be subject to all the duties, restrictions and liabilities of said Lexington and West Cambridge Railroad Company.

SECTION 3. This act shall take effect upon its passage.

Approved April 13, 1864.

[1867, 221.]

[1856, 214; 1860, 46.]

Chap. 150 AN ACT to protect the Trout Fishery in Marshpee.

Be it enacted, &c., as follows :

Fishery in Quashnet River restricted.

SECTION 1. No person shall take any trout in Quashnet River, in the district of Marshpee, from the fifteenth day of September, in each year, to the twentieth day of March, in the year next ensuing.

Permits from treasurer of district required.

SECTION 2. No person except the proprietors of said district shall take any trout in said river without a written permit from the treasurer of Marshpee, which shall specify the time when, and the place where, the person holding the same is allowed to fish ; and no person shall at any time use any other means of taking trout in said river, than by angling with hook and line.

SECTION 3. The said district may, by vote in legal meeting, with notice in warrant to that effect, make any regulations or by-laws respecting said fishery not repugnant to the provisions of this act; and the income from said fishery shall inure wholly to said district.

District may regulate fisheries.

Income.

SECTION 4. Any persons offending against the provisions of this act, or any regulations or by-laws passed by authority of the third section of this act, shall forfeit and pay a fine of twenty dollars for each offence, to be recovered by prosecution before any trial justice in the county of Barnstable, for the benefit of said district.

Penalty for violation of regulations.

SECTION 5. Any person who shall receive any trout, knowing the same to have been taken from said river, contrary to the provisions of this act, shall forfeit the sum of fifty cents for every trout so received.

Penalty for receiving trout.

SECTION 6. Said district, at any regular meeting, with notice in the warrant to that effect, may elect and appoint two or more fish-wardens to protect said fishery. All prosecutions under this act shall be commenced within one year from the time when the offence is committed.

Fish-wardens.

Prosecutions, when to be made.

SECTION 7. This act shall take effect upon the first day of May next.

When to take effect.

Approved April 13, 1864.

AN ACT to authorize William H. Dunbar to build a Railroad Track in Abington. *Chap. 153*

Be it enacted, &c., as follows:

SECTION 1. William H. Dunbar, his heirs and assigns, are hereby authorized to construct and maintain a railroad track in Abington, commencing at a point upon his land near the location of his tack and nail factory, thence extending southerly, crossing at grade a public street or highway in Abington known as South Avenue, to connect with the track of the Old Colony and Newport Railway Company near its station at South Abington, for the purpose of facilitating the transportation of merchandise to and from said factory.

Location of track, to connect with Old Colony and Newport Railway.

SECTION 2. A good and sufficient crossing at said street or highway, for teams and carriages, shall be constructed and maintained by said Dunbar, his heirs and assigns, under the direction and to the approbation of the selectmen of the town of Abington.

Construction and maintenance of crossing.

SECTION 3. The connection of said track with the track of the Old Colony and Newport Railway Company shall not be made without the consent of said company.

Consent of O. C. and N. R. Company required.

SECTION 4. This act shall take effect upon its passage.

Approved April 13, 1864.

[D. & W. R. 1861, 135; 1863, 3. M. 1853, 353; 1854, 94; 1855, 193; 1857, 230, 256, 304; 1858, 38; 1859, 9, 35; 1862, 175.]

Chap. 154 AN ACT concerning the Dedham and West Roxbury Railroad Company.

Be it enacted, &c., as follows:

May enter upon
and use tracks of
Metropolitan
Company.

SECTION 1. The Dedham and West Roxbury Railroad Company is hereby authorized, with all cars running to and from Dedham, or the junction of South Street with Shawmut Avenue, in West Roxbury, to enter upon, and use, with its own motive power, the tracks of the Metropolitan Railroad Company, from its point of connection with the tracks of said Metropolitan Railroad Company, in the town of West Roxbury, or the city of Roxbury, into and through the city of Boston, by Scollay's Building, so called, by one direct and convenient route, upon terms to be agreed upon, in writing, by the respective companies interested, and in case of disagreement, to be determined according to law: *provided, however,* that no car of the Dedham and West Roxbury Railroad Company shall be run over the tracks of the Metropolitan Railroad Company, which does not in every trip run over the tracks of said first named company, to and from the junction of South Street with Shawmut Avenue, in said West Roxbury.

Proviso.

Metropolitan
Company may
enter upon and
use certain
tracks of Dedham
and W. Roxbury
road.

SECTION 2. The Metropolitan Railroad Company shall have the right to enter upon and use, with its cars and motive power, any tracks which may hereafter be laid by the Dedham and West Roxbury Railroad Company, in that part of said Shawmut Avenue lying between the point in West Roxbury where it crosses the Boston and Providence Railroad, and the southerly terminus of the Metropolitan Railroad upon said avenue, upon terms to be agreed upon in writing by the respective companies interested, and in case of disagreement to be determined according to law.

Terms.

Rules and regula-
tions to be
observed.

SECTION 3. Each of said companies while using the track of the other company as herein before provided, shall conform to the rules and regulations from time to time established, by the authorities of the respective cities and towns through which their cars may run, and to such rules and regulations as may be adopted, by the companies whose tracks they may respectively use, for the regulation of their own cars and employees, and shall keep an account of the number of cars run daily by them, respectively.

Dedham and W.
Roxbury Co. may
construct road in
West Roxbury.

SECTION 4. Said Dedham and West Roxbury Railroad Company may build, maintain and use a railway or railways, with convenient single or double tracks with suitable turnouts, upon and over such streets and highways in the town of West Roxbury, as shall from time to time be fixed

upon by vote of the selectmen of said town granting a location therefor.

SECTION 5. So much of the road of the Dedham and West Roxbury Railroad Company as lies between the line separating Dedham from West Roxbury, and the court-house in Dedham, shall be located and built from Vine Rock Bridge at or near said line, over the main highway to Ames Street in said Dedham, and thence over said Ames Street to or near the court-house in said Dedham, subject to location by the selectmen of Dedham.

Location between Dedham line and court-house defined.

SECTION 6. The eighth section and so much of the sixteenth section of the one hundred and thirty-fifth chapter of the acts of the year eighteen hundred and sixty-one as makes said act void unless the road of the Dedham and West Roxbury Railroad Company is located by the mayor and aldermen of the city of Roxbury, are hereby repealed; but no part of the tracks of said company shall be laid in the city of Roxbury, without a location of such part having been first granted and ordered by said mayor and aldermen; and the whole road shall be located and constructed within two years from the passage of this act.

Repeal.

Location and construction.

Approved April 16, 1864.

[D. & W. R. 1865, 129; 1866, 176; 1868, 109.]

[1846, 185; 1847, 247.]

AN ACT to revive the Charter of the Hanover Branch Railroad Company. *Chap. 155*
Be it enacted, &c., as follows:

SECTION 1. Chapter one hundred and eighty-five of the acts of the year eighteen hundred and forty-six, entitled "An Act to incorporate the Hanover Branch Railroad Company," is hereby revived: *provided, however*, that said company shall not enter upon and use the railroad of the Old Colony and Newport Railway Company, except in connection with the local trains upon said railroad, without the consent of said Old Colony and Newport Railway Company.

Charter revived.

Proviso.

SECTION 2. Said corporation may be organized within two years from the passage of this act.

Organization.

SECTION 3. The time limited by said act, within which the location of the railroad of said company should be filed, is hereby extended to the first day of May, in the year eighteen hundred and sixty-six, and the time for the completion of said railroad, is extended to the first day of May, in the year eighteen hundred and sixty-seven.

Time for location and construction extended.

SECTION 4. The said company is hereby authorized to increase its capital stock: *provided*, that the whole amount

May increase capital stock.

Shares.

of capital shall not exceed sixteen hundred shares, of one hundred dollars each.

SECTION 5. This act shall take effect upon its passage.

Approved April 20, 1864.

[1866, 205; 1867, 14; 1868, 127.]

[1861, 109; 1863, 95, 96, 104, 105, 110; 1864, 11.]

Chap. 156 AN ACT in further addition to an Act to incorporate the Cape Cod Central Railroad Company.

Be it enacted, &c., as follows :

Time for construction extended.

The time allowed to the Cape Cod Central Railroad Company, for the construction of its railroad, is hereby extended one year.

Approved April 20, 1864.

[1865, 60, 200; 1868, 66, 133.]

[1863, 133.]

Chap. 157 AN ACT in addition to "An Act to incorporate the United States Steamship Company."

Be it enacted, &c., as follows :

Time extended for collecting assessments and placing steamers in service.

SECTION 1. The time within which the United States Steamship Company is required to collect assessments on its capital stock, and to place in the service one or more steamships or propellers, is hereby extended for one year from the sixth day of April in the year eighteen hundred and sixty-four; and the act of incorporation shall not become null and void, by an omission hereafter, on the part of said corporation, for a period of one year, to have in the service one steamship or propeller: *provided*, such omission is caused by the act of the government of the United States.

Proviso.

SECTION 2. This act shall take effect upon its passage.

Approved April 20, 1864.

[1865, 145; 1866, 215.]

Chap. 158 AN ACT to incorporate the Father Mathew Mutual Benevolent Catholic Total Abstinence Society.

Be it enacted, &c., as follows :

Corporators.

Name and purpose.

Powers and duties.

SECTION 1. Thomas Murray, Michael McCarty, Daniel Macklin, John Loughlin, their associates and successors are hereby made a corporation, by the name of the Father Mathew Mutual Benevolent Catholic Total Abstinence Society, for the purpose of promoting the cause of temperance in the town of Hopkinton, in the county of Middlesex, and of benefiting the condition of the members and their families, by assisting them in time of sickness; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in all general laws, which now are or may hereafter be in force, relating to such corporations.

SECTION 2. Said corporation may take and hold real and personal property, not exceeding in value ten thousand dollars, for the purposes aforesaid. Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved April 20, 1864.

[1864, 123.]

AN ACT concerning the Construction of Sidewalks in the City of *Chap. 160*
Charlestown.

Be it enacted, &c., as follows :

SECTION 1. Whenever any public street, or any part of the same, in the city of Charlestown, is paved or macadamized, or covered with gravel as a substitute therefor, or when such paving, or substitute, shall have been ordered by the city council of said city, the owners of abutting lots of land or real estate, upon such street or part of a street, shall within thirty days after notice from the board of mayor and aldermen, so to do, construct, at their own expense, and to the acceptance of the board of mayor and aldermen, a sidewalk against their respective estates, with brick or flat-stone, supported on the outer edge thereof with hammered edge-stone ; and if any abutter shall refuse or neglect to construct such sidewalk against his lot for the space of thirty days after a written notice has been served upon him, his tenant, agent or attorney, by order of said board of mayor and aldermen, said city may construct the same, and the expense thereof shall constitute a lien upon the abutting lot for one year after such expense was incurred ; such expense, with incidental costs and charges, may be levied by sale of the whole or any part of such abutting lot, if such expense, costs and charges be not paid within three months after a written demand for payment of the same, made by the city treasurer upon the owner of the lot, his tenant, agent or attorney ; such sale to be conducted in like manner, and upon like notices as sales of real estate for the non-payment of taxes ; and when any estate or any part of the same is so sold, the owner thereof shall have the same right and the like remedies for redeeming the same, as is provided by law for the redemption of real estate sold for non-payment of taxes : *provided, however*, that when the owner of any abutting lot on any such street, shall, in the judgment of the mayor and aldermen, be unable to construct such sidewalk, they may cause the same to be constructed at the expense of the city ; and, *provided, also*, that they may, in their discretion, allow the owners of vacant lots on any such street, to construct their sidewalks with plank and timber, to the acceptance of

Abutters shall construct sidewalks in streets paved or macadamized by order of city.

Upon refusal, city may construct, and have lien for expense, &c.

May sell lot for expense.

Sale, how conducted.

Redemption of property.

Proviso.

the board of mayor and aldermen, which shall be removed and the edge-stone and brick, or flat-stone sidewalk substituted therefor, when said board shall so order.

Repeal.

Not to affect rights or pending action.

SECTION 2. The first section of chapter one hundred and sixty-five of the acts of the year eighteen hundred and fifty-nine, entitled "An Act to regulate sidewalks in the city of Charlestown," is hereby repealed, but such repeal shall not affect any rights now accrued, or any action now pending.

SECTION 3. This act shall take effect upon its passage.

Approved April 20, 1864.

[1864, 176; 1865, 135; 1866, 212, 1867, 35, 60, 66, 224, 277, 343; 1868, 202, 249, 253.]

Chap. 162 AN ACT to define the Line between the Towns of Rochester and Wareham.
Be it enacted, &c., as follows:

Division line established.

The centre of the road leading to Plymouth, referred to in the act passed May thirtieth, in the year one thousand seven hundred and thirty-nine, incorporating the town of Wareham, shall be held to be the dividing line between the towns of Rochester and Wareham.

Approved April 20, 1864.

[1856, 274; 1861, 38.]

Chap. 164 AN ACT concerning the Agawam Bridge Company.
Be it enacted, &c., as follows:

Charter revived and time for construction extended.

Chapter two hundred and seventy-four of the acts of the year eighteen hundred and fifty-six, incorporating the Agawam Bridge Company, and chapter thirty-eight of the acts of the year eighteen hundred and sixty-one, confirming the organization and proceedings of said company and extending the time in which it might build a bridge over the Connecticut River, are hereby revived, and the time limited for the construction of said bridge is extended to the first day of May, in the year eighteen hundred and sixty-eight.

Approved April 22, 1864.

[1868, 303.]

[1848, 303; 1850, 192.]

Chap. 165 AN ACT to provide an additional Supply of Pure Water for the City of Springfield.

Be it enacted, &c., as follows:

\$100,000 additional capital stock.

Proviso.

SECTION 1. The Springfield Aqueduct Company is hereby authorized to increase its capital stock, by adding thereto an amount not exceeding one hundred thousand dollars, for the purpose of furnishing to the inhabitants of the city of Springfield, an additional supply of pure water: *provided, however,* and this grant is upon condition, that at least twenty-five thousand dollars of stock, in addition to the capital stock now paid in, shall be subscribed, and fifty per cent. of the amount so subscribed paid in, on or before the

first day of July next; and *provided, also*, that said company shall thereafter proceed with reasonable dispatch to substitute pipes of iron, iron and cement, or other durable material for their present pipes in Main Street, from Liberty Street to the southerly line of State Street, and easterly through the last-named street, and shall after using the new wooden pipes now owned by said company, thereafter use pipes of a like durable material, in renewing or extending their existing lines of pipes. Said company shall not obstruct or injure any sewer, now or hereafter laid in any street, alley or park in said city.

Shall not obstruct sewers.

SECTION 2. The city of Springfield is hereby authorized to purchase all the franchise, rights and property, of said company, with the written assent of at least three-fourths in interest of the stockholders thereof.

City may purchase franchise and property.

SECTION 3. Said city may enlarge, repair and improve the water sources, aqueducts, and other property and works, so purchased, with a view to an increased and adequate supply of pure water, for public and private uses in said city; and for the purposes aforesaid may take and hold by purchase or otherwise, such other ponds, springs, streams, water sources and rights, within the limits of said city, and such land under and around the same, as may be necessary. Said city may take and hold in like manner, such land as may be necessary, for erecting and maintaining dams and reservoirs, and for laying and maintaining conduits, pipes, drains and other works, for collecting, conducting and distributing water through said city. The mayor of said city, within thirty days after the taking of any sources of water or lands, as herein provided, shall file in the registry of deeds for the county of Hampden, a description thereof, sufficiently accurate for identification.

May enlarge and improve works.

May purchase and hold other water-sources and lands.

May take lands for erection of dams and reservoirs.

Description of lands and water-sources to be filed.

SECTION 4. Said city, for the purposes aforesaid, may build aqueducts and maintain the same, by any works suitable therefor; may erect and maintain dams; may make and maintain suitable reservoirs; may make and establish such public fountains and hydrants, as may, from time to time, be deemed proper, and may change or discontinue the same; may regulate the use of the water, and establish the prices or rents to be paid therefor. Said city may also, for the purposes aforesaid, carry its pipes and drains over or under any water-course, street, railroad, highway, or other way, in such manner as not to obstruct the same; and may enter upon and dig up such road, street or way, for the purpose of laying down, maintaining and repairing, pipes or drains, and may do any other acts or things necessary and proper, in executing the purposes of this act.

May hold aqueducts, reservoirs, &c.

May regulate use and rent of water.

May extend and lay down pipes.

Commissioners to
be appointed by
city council.

SECTION 5. Three commissioners shall be appointed by the city council, who shall, during their continuance in office, execute, superintend and direct the performance of all the works, matters and things, mentioned in the two preceding sections, which are not otherwise specifically provided for in this act; and shall be subject to such ordinances, rules and regulations, in the execution of their said trust, as the city council may, from time to time, ordain and establish, not inconsistent with the provisions of law. They shall respectively hold office for the term of three years next after their appointment, unless the works aforesaid shall be sooner completed, but they or either of them, after having had an opportunity to be heard in defence, may be removed at any time by a concurrent vote of two-thirds of each branch of the city council; and in case of a vacancy in the board, by death, resignation or removal, such vacancy shall be filled by the appointment of another commissioner, who shall hold his office for the residue of the said term of three years, with all the powers, and under all the restrictions aforesaid. A major part of said commissioners shall be a quorum, for the exercise of the powers and the performance of the duties of the said office. They shall once in every six months, and whenever required by the city council, make and present in writing a particular report and statement of all their acts and proceedings, and of the condition and progress of the works aforesaid.

Term of office.

Removal.

Vacancies, how
filled.

Quorum.

Reports to city
council.

Salaries of com-
missioners.

SECTION 6. The city council, before the appointment of said commissioners, shall establish and fix the salaries or compensation, to be paid them for their services; and the said salaries, so fixed and established, shall not be reduced during their continuance, respectively, in said office.

Upon expiration
of term of office,
powers to be ex-
ercised by city.

SECTION 7. Whenever the said office of commissioners shall cease, either by the expiration of the said term of three years from the original appointment, or by the completion of the works aforesaid, all the rights, powers and authority given to the city of Springfield by this act, shall be exercised by the said city, subject to all the duties, liabilities and restrictions herein contained, in such manner, and by such agents, officers and servants, as the city council shall, from time to time, ordain, appoint and direct.

Land and water
damages, how
paid.

SECTION 8. The said city shall be liable to pay all damages, that shall be sustained by any persons, in their property, by the taking of any land, water or water-rights, or by the constructing of any aqueducts, reservoirs, or other works, for the purposes aforesaid. If any person who shall sustain damage, as aforesaid, cannot agree with said commissioners

upon the amount of said damages, he may have them assessed and paid in the same manner, as is provided by law, with respect to land taken for highways.

SECTION 9. For the purpose of defraying the cost of such franchises, property, lands, water and water-rights, as shall be taken, purchased or held for the purposes aforesaid, and of enlarging, repairing or constructing, the works necessary and proper for the accomplishment of the said purposes, and paying all expenses incident thereto, the city council shall have authority to issue, from time to time, notes, scrip, or certificates of debt, to be denominated on the face thereof, "Springfield Water Scrip," to an amount not exceeding, in the whole, the sum of one hundred thousand dollars, bearing interest at a rate not exceeding six per cent. per annum, and said interest shall be payable semi-annually, and the principal shall be payable at periods not more than forty years from the issuing of the said scrip, notes, or certificates, respectively. Said city council may sell the same, or any part thereof, from time to time, or pledge the same for money borrowed, for the purposes aforesaid; but the same shall not be sold or pledged at less than its par value.

Expenses of construction and repairs.

City may issue "water scrip."

Principal and interest, when payable.

Sale of scrip.

SECTION 10. If any person shall use any of the said water without the consent of said city, an action of tort may be maintained by said city, for the recovery of the damage sustained; and if any person shall wantonly or maliciously divert the water, or any part thereof, of any of the ponds, springs, streams or sources of water, which shall be owned or held by said city, pursuant to the provisions of this act, or shall corrupt the same, or render the water impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant or other works or property, held, owned or used by said city, under the authority, and for the purposes of this act, every such person shall forfeit and pay to said city, three times the amount of the damages that shall be assessed therefor, to be recovered by any proper action. And any such person, on conviction of either of the wanton or malicious acts aforesaid, may also be punished, by fine, not exceeding three hundred dollars, or by imprisonment, not exceeding one year.

Illegal use of water.

Wanton diversion or corruption of waters and injury to works.

Penalties.

SECTION 11. The provisions of this act, except the first section, shall be void, unless submitted to and approved by a majority of the voters of the city of Springfield, present and voting, at meetings held simultaneously for the purpose, in the several wards, within two years from the passage

Act void, except first section, unless approved by voters within two years.

of this act, upon notice, duly given, at least seven days before the time of holding said meetings.

SECTION 12. This act shall take effect upon its passage.

Approved April 22, 1864.

[1834, 68.]

Chap. 166

AN ACT concerning the First Baptist Society in Tyngsborough.

Be it enacted, &c., as follows:

Organization and proceedings legalized.

SECTION 1. The organization of the First Baptist Society in Tyngsborough, and all the subsequent proceedings of said society, under and by virtue of such organization, as the same are entered, as the records of said society, in their second book of records, commencing March the twenty-eighth, in the year one thousand eight hundred and twenty-nine, and ending April the eighth, in the year one thousand eight hundred and fifty-seven, are hereby ratified, established and confirmed, as the acts, doings and records, of a duly and legally organized corporation.

Meeting of society to be called.

SECTION 2. Stillman S. Davis is authorized to call a meeting of said society, by posting up on the outer door of the meeting-house belonging to said society, a notice directed to the members thereof, seven days at least before the time of such meeting; said notice shall express the time, place and purpose, of the meeting.

Presiding officer.

SECTION 3. Said Stillman S. Davis, may call such meeting to order, and preside until a moderator is chosen.

Choice of officers.

SECTION 4. Said society may choose all such officers as it has been accustomed to elect, and do and transact such other business as it deems proper.

Property may be sold.

SECTION 5. Said society may sell at public or private sale, at such time as it may direct, its personal property, meeting-house, and sheds, and the lands belonging to said meeting-house lot, and the treasurer of said society is authorized to execute and deliver deeds to convey the same, in fee simple or otherwise.

Proceeds of sale, how applied.

SECTION 6. The proceeds of such sale may be disposed of in such manner, and for such objects, as a majority of the society shall determine.

SECTION 7. This act shall take effect upon its passage.

Approved April 22, 1864.

Chap. 175

AN ACT to establish the Boundary Line between the Towns of Douglas and Uxbridge.

Be it enacted, &c., as follows:

Boundary line established.

SECTION 1. The northerly portion of the boundary line between the towns of Douglas and Uxbridge shall henceforth be established as follows: beginning at a stone post erected

about the year eighteen hundred and twenty-nine, at the south-west corner of the Murdock farm, and in the south line of the Bradstreet grant, and being the most southerly of four stone posts erected for the purpose of designating part of the west line of Uxbridge; thence on a straight line drawn from said post to a stone post erected by the selectmen of Uxbridge and Sutton to mark the north-west corner of Uxbridge, being the most northerly of said four posts, northerly to Sutton line.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1864.

[1861, 105; 1863, 9.]

AN ACT in addition to an Act for Supplying the City of Charlestown with Pure Water. *Chap. 176*

Be it enacted, &c., as follows:

SECTION 1. The city council of the city of Charlestown is hereby authorized to issue water bonds of the city of Charlestown to an amount not exceeding two hundred thousand dollars, in addition to the amount now authorized by the eleventh section of chapter one hundred and five of the acts of the year eighteen hundred and sixty-one. The bonds hereby authorized shall be issued and the proceeds thereof appropriated, in accordance with and subject to the provisions and conditions of said eleventh section.

City may issue additional water bonds.

Appropriation of proceeds.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1864.

[1864, 176; 1865, 135, 144; 1866, 212; 1867, 60, 343; 1868, 202.]

[1848, 68]

AN ACT to increase the Capital Stock of the American Machine Works. *Chap. 177*

Be it enacted, &c., as follows:

The American Machine Works, a corporation established in Springfield, is authorized to increase its capital stock one hundred thousand dollars, and to hold additional real estate to the amount of twenty thousand dollars.

Capital increased.

Real estate.

Approved April 25, 1864.

[1857, 25; 1860, 208; 1861, 179; 1863, 5.]

AN ACT in addition to an Act to incorporate the Fall River and Warren Railroad Company. *Chap. 178*

Be it enacted, &c., as follows:

SECTION 1. The time for constructing the road of the Fall River, Warren and Providence Railroad Company, originally incorporated by the name of the Fall River and Warren Railroad Company, is hereby extended to the first

Time for construction extended.

day of September in the year eighteen hundred and sixty-five.

SECTION 2. This act shall take effect upon its passage.

Approved April 25, 1864.

[1864, 309; 1865, 51, 71.]

Chap. 179 AN ACT to unite the Towns of Salisbury and Amesbury, and to incorporate the Town of Merrimac.

Be it enacted, &c., as follows:

Towns may unite first Monday in March, 1865, under name of Merrimac.

SECTION 1. From and after the first Monday of March, in the year one thousand eight hundred and sixty-five, the corporate powers of the towns of Salisbury and Amesbury, in the county of Essex, as separate towns, shall cease to exist, and all the territory comprised within the limits of said two towns shall constitute one town by the name of Merrimac, with all the corporate powers and privileges, duties, liabilities and restrictions, belonging to towns under the constitution and laws of this Commonwealth, and having the same boundaries as have heretofore designated the lines of said two towns, except that by which they have been separated; and all persons having gained or derived a settlement within either of said towns of Salisbury or Amesbury, shall be deemed to have such settlement within said town of Merrimac.

Property and assets to be transferred.

Proviso.

SECTION 2. All the property, uncollected taxes and assets, held by each of said towns of Salisbury and Amesbury when this act takes effect, shall become the property and assets of, and all debts due from said towns at that time shall become debts due from, said town of Merrimac: *provided, however,* that a fair and impartial valuation of said property and assets of each of said towns shall be made; and also the true amount of the indebtedness of each shall be ascertained, and the amount of the assets of each shall be deducted from their indebtedness, and any excess of indebtedness of either town over the other shall be assessed upon and paid by the inhabitants and estates of the town where such excess shall be found to exist; and said sum shall be assessed by the assessors, and collected by the collector of said town of Merrimac, and paid to the treasurer of said town, as in case of other town taxes.

Value of property and amount of debts, how ascertained and agreed upon.

The valuation of said property and assets, and the amount of the indebtedness of said towns shall be ascertained by the boards of selectmen of the two towns for the current year, in joint meeting; and in case of their disagreement, or failure to do so before this act takes effect, then the selectmen of said town of Merrimac shall make application to the superior court for the county of Essex, at its first sitting thereafter; and said court is hereby authorized, and

shall appoint three disinterested persons, who shall determine said valuation and indebtedness, and may hear the parties upon any matters of disagreement relating to the affairs of the two towns, and make award thereon; which award, when accepted by the court, shall be final.

SECTION 3. The united valuations of said towns of Salisbury and Amesbury, as fixed by the last decennial state valuation, shall be held to be the valuation of said town of Merrimac, until the next state valuation; and said town of Merrimac shall constitute a part of the same election districts, as said towns of Salisbury and Amesbury were assigned to under the last state apportionment, until a new apportionment is made.

Valuations, last decennial held.

Election districts.

SECTION 4. All paupers being relieved or supported by said towns of Salisbury and Amesbury, when this act takes effect, shall receive such relief or support thereafter from said town of Merrimac.

Support of paupers.

SECTION 5. All taxes remaining uncollected in either of said towns, when this act takes effect, shall be collected by any duly authorized collector of taxes in said town of Merrimac, in the same manner as is provided by law for the collection of taxes; and said collector shall account for, and pay the same to, the treasurer of said town of Merrimac.

Uncollected taxes.

SECTION 6. The several school districts as now established in each of said towns of Salisbury and Amesbury, with all their duties and liabilities as such, shall remain as though this act had not been passed; except that they shall be re-numbered, and designated as school districts in the town of Merrimac.

School districts.

SECTION 7. The boards of selectmen, assessors, overseers of the poor and school committee, and the town clerks, treasurers, collectors of taxes, surveyors of highways, and all other town officers or committees of said towns of Salisbury and Amesbury shall, within three days after this act takes effect, deliver all records, books, deeds, vouchers, moneys, tax-bills, papers and property belonging to said towns, and in the possession of any of said officers, respectively, to the selectmen of said town of Merrimac; and said selectmen shall pass said records, books, deeds, vouchers and property into the possession of such town officers of said town of Merrimac as are by law properly entitled to their custody.

Records and property of Salisbury and Amesbury, when delivered over.

SECTION 8. The selectmen of the two towns of Salisbury and Amesbury for this current year, by a joint warrant under their official signatures, directed to a constable of each

Meeting for choice of officers.

Warrant.

List of qualified voters.

Act void unless accepted by voters of both towns.

Meeting, when held.

of said towns, shall call a town meeting of said town of Merrimac, to be holden on the first Monday of March in the year one thousand eight hundred and sixty-five, for the purpose of choosing all usual and necessary town officers for the year ensuing, and transacting all business usually done at the annual March or April town meetings in this Commonwealth, and to pass upon any matters which may be deemed expedient for the purpose of carrying out the provisions of this act; which warrant shall be posted in the usual places for posting town meeting warrants in each of said towns, fourteen days at least before the time for holding said meeting; and said warrants shall be certified in manner as is provided by law, and returned to said boards of selectmen at the time and place of said meeting; and the senior chairman of said boards present shall call said meeting to order, and preside until the election of a town clerk and moderator; and said boards of selectmen shall prepare a list of the qualified voters in their respective towns, which lists shall be used in said meeting as is required by law in town elections.

SECTION 9. This act shall not take effect unless the inhabitants of said towns of Salisbury and Amesbury, respectively, qualified to vote in town affairs, shall accept the same at a legal town meeting called for that purpose, by a majority of the voters present and voting thereon; which meeting shall be held in each of said towns on the third Monday of June next; and the vote shall be expressed by a written or printed ballot of *yea* or *nay*; and the check-list shall be used as in the election of town officers.

Approved April 30, 1864.

[1855, 450; 1856, 126; 1857, 199; 1859, 100; 1863, 80.]

Chap. 180

AN ACT relating to Banks holding Stock of the Bank of Mutual Redemption.

Be it enacted, &c., as follows:

May continue, with said bank organized under U. S. laws.

SECTION 1. Any bank incorporated by the laws of this state, holding stock of the Bank of Mutual Redemption, in the city of Boston, may continue to hold the same in case said Bank of Mutual Redemption shall become a banking association, under the provisions of any act of congress.

May sell and transfer.

SECTION 2. In case the Bank of Mutual Redemption shall vote to become a banking association, under the provisions of any act of congress, any bank holding stock of that bank may thereupon sell and transfer the same, or any part thereof, to any person, and such person may become the holder of the same.

SECTION 3. This act shall take effect upon its passage.

Approved April 29, 1864.

AN ACT to confirm certain Acts done by Henry Rice as a Justice of the Peace. *Chap. 181*

Be it enacted, &c., as follows :

SECTION 1. All acts done by Henry Rice, of Boston, esquire, as a justice of the peace within and for the county of Suffolk, between the eighth day of October in the year eighteen hundred and sixty-two, and the eleventh day of January in the year eighteen hundred and sixty-four, are hereby made valid and confirmed to the same extent as they would have been valid had he been during the interval duly qualified to discharge the duties of the said office. Acts done as justice of the peace confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved April 30, 1864.

AN ACT to confirm certain Acts done by Oramel White as a Justice of the Peace. *Chap. 182*

Be it enacted, &c., as follows :

SECTION 1. All acts done by Oramel White, of East Randolph, as a justice of the peace within and for the county of Norfolk, between the second day of June in the year one thousand eight hundred and sixty-two and the eighth day of April in the year one thousand eight hundred and sixty-four, be and the same are hereby made valid and confirmed to the same extent as they would have been valid, had he been during that interval, duly qualified to discharge the duties of the said office. Acts done as justice of the peace confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1864.

AN ACT to incorporate the Temporary Asylum for Discharged Female Prisoners. *Chap. 183*

Be it enacted, &c., as follows :

SECTION 1. George B. Emerson, Daniel Denny and Stephen G. Deblois, their associates and successors, are hereby made a corporation, by the name of the Temporary Asylum for Discharged Female Prisoners, for the purpose of affording shelter, instruction and employment to discharged female prisoners, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in all general laws, which now are or may hereafter be in force, relating to such corporations. Corporators. Name and purpose. Powers and duties.

SECTION 2. Said corporation may take and hold real and personal property, not exceeding in value fifty thousand dollars, for the purposes aforesaid. Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved April 30, 1864.

[1864, 10.]

Chap. 184 AN ACT to authorize the New London Northern Railroad Company to change the Location of a Portion of its Road.

Be it enacted, &c., as follows:

May change location in Palmer.

SECTION 1. The New London Northern Railroad Company is hereby authorize and empowered to change the location of that portion of its road in the town of Palmer, which lies between a point near the dividing line of the counties of Hampshire and Hampden, and a point near the "Burley Bridge," so called, by locating and constructing a railroad between said points, within the limits of the original act of incorporation, in such manner and over such lands, as the directors of said company may deem expedient: such location shall be filed within one year from the passage of this act.

Location to be filed within one year.

May discontinue near village of Three Rivers.

SECTION 2. Said company may discontinue that part of its present road which lies between a point near the dividing line of the counties of Hampshire and Hampden, and the southerly side of the highway near their station at the village of Three Rivers.

Powers and duties.

SECTION 3. In locating, constructing and maintaining, the railroad hereby authorized, said company shall have all the rights and privileges, and be subject to all the duties, liabilities and restrictions, given or imposed by their charter, or by any laws which now are or may hereafter be enacted, in relation to railroads and railroad corporations.

Damages for land taken.

SECTION 4. All persons who shall sustain any damage in their property by locating, constructing or maintaining said railroad, shall have all the remedies provided by law, for persons whose land or other property is taken for the construction and maintenance of railroads.

SECTION 5. This act shall take effect upon its passage.

Approved April 30, 1864.

[1866, 5; 1867, 76, 140; 1868, 239.]

Chap. 185 AN ACT to incorporate the Plymouth Marine Railway Company.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. William H. Nelson, Corban Barnes, Isaac Brewster, their associates and successors, are hereby made a corporation in the town of Plymouth by the name of the Plymouth Marine Railway Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws which are, or may be, in force relating to such corporations.

Name.

Powers and duties.

May extend marine railway into harbor of Plymouth.

SECTION 2. Said corporation is hereby authorized to build and maintain a marine railway in the harbor of said Plymouth, at the town dock, so called, in said town, and to

extend the same into said harbor a distance of not more than five hundred feet from high-water mark, in such manner and upon such terms and conditions, as may be granted to said corporation by said town of Plymouth: *provided, however*, that nothing in this act contained shall be so construed as to impair the legal rights of any person or corporation.

Proviso.

SECTION 3. The capital stock of said corporation shall not exceed ten thousand dollars, and shall be divided into shares of one hundred dollars each.

Capital stock and shares.

SECTION 4. This act shall take effect upon its passage.

Approved April 30, 1864.

AN ACT to incorporate the Beoli Company.

Chap. 186

Be it enacted, &c., as follows :

SECTION 1. Henry J. Kennedy, Alvah Crocker, and John Q. Wright, their associates and successors, are hereby made a corporation by the name of the Beoli Company, for the purpose of manufacturing woolen goods, and any fabric, yarn or thread, composed wholly or in parts, of either wool, cotton, flax, silk, hemp or jute, and the machinery requisite therefor, in the town of Fitchburg, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities, set forth in the general laws which are or may be in force, relating to manufacturing corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. The said corporation may hold, for the purposes aforesaid, real estate not exceeding the amount of fifty thousand dollars ; and the whole capital stock of said corporation shall not exceed two hundred thousand dollars.

Real estate.

Capital stock.

SECTION 3. This act shall take effect upon its passage.

Approved April 30, 1864.

AN ACT to incorporate the Cheney Express Company.

Chap. 187

Be it enacted, &c., as follows :

SECTION 1. Benjamin P. Cheney, Phineas S. Fiske, Nathaniel White, their associates and successors, are hereby made a corporation, in the city of Boston, by the name of the Cheney Express Company, for the purpose of forwarding and transporting merchandise, money, and other property, collecting notes, bills, and other claims, and doing other express business ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the sixty-eighth chapter of the General Statutes, and in all other general laws which are or may be in force relating to corporations, so far as the same may be applicable to said corporation.

Corporators.

Name and purpose.

Powers and duties.

Capital stock.**Real and personal estate.****Liability of stockholders.****Liability as common carriers.**

SECTION 2. The capital stock of said corporation shall not exceed five hundred thousand dollars, and shall be divided into shares of one hundred dollars each. Said corporation may hold such real and personal estate as may be necessary for carrying on its business, not exceeding in all, the amount of its capital stock aforesaid.

SECTION 3. Each stockholder in said corporation shall be personally liable for all its debts and liabilities incurred during the time he is a stockholder, and may be joined as defendant in any action therefor, against said corporation. Any party so liable, who pays on a judgment or otherwise, more than his proportional share of any such debt or liability, shall have a claim for contribution against the other parties personally liable therefor, and may enforce the same by action of contract, or bill in equity.

SECTION 4. Nothing in this act contained shall be deemed to affect the liabilities of said corporation or its stockholders as common carriers.

SECTION 5. This act shall take effect upon its passage.

Approved April 30, 1864.

[1851, 338.]

Chap. 188

AN ACT concerning the Weir Bridge in Taunton.

Be it enacted, &c., as follows:

Rebuilding of bridge required.**Construction of draw.****Expenses of rebuilding.****Maintenance.****Repeal.****When to take effect.**

SECTION 1. The inhabitants of the town of Taunton are hereby authorized and required to rebuild the bridge over Taunton Great River, at Weir Village, in said Taunton, with a suitable double draw therein; one part of said draw to be, as near as may be, in the centre of said river, and not less than thirty-five feet in width, the other part to be on the easterly side of said river, and not less than twenty-five feet in width; the whole to be constructed in a substantial and proper manner, and to the acceptance of the county commissioners of the county of Bristol.

SECTION 2. The expenses of rebuilding said bridge and constructing said draw, shall be paid by said town of Taunton; and the said county commissioners may, in the exercise of their discretion, pursuant to section fifty-one of the forty-third chapter of the General Statutes, order the whole or a part of said expenses to be repaid to said town out of the treasury of said county. Said bridge when rebuilt, shall be forever maintained, and a proper draw-tender provided therefor, by and at the expense of said town of Taunton.

SECTION 3. The three hundred and thirty-eighth chapter of the acts of the year eighteen hundred and fifty-one, is hereby repealed.

SECTION 4. This act shall take effect in ninety days after its passage.

Approved May 3, 1864.

[1822, 6; 1842, 53.]

AN ACT to revive and renew the Charter of the Salem Charitable
Mechanic Association. *Chap. 189**Be it enacted, &c., as follows :*

SECTION 1. The act to incorporate the Salem Charitable *Charter revived.*
Mechanic Association, passed on the fourteenth day of June,
in the year one thousand eight hundred and twenty-two,
and continued in force by the fifty-third chapter of the acts
of the year eighteen hundred and forty-two, is hereby
revived, and shall continue in force for the term of twenty
years from and after the passage of this act; and the said
association shall continue through said term, for the pur-
poses and objects set forth in said act of incorporation, and
with all the powers and privileges, and subject to all the *Powers and du-*
duties, liabilities and restrictions set forth in all general *ties.*
laws, which are or may be in force, relating to such
corporations.

SECTION 2. The acts and doings of said association, since *Certain acts*
the fourteenth day of June, in the year eighteen hundred and *confirmed.*
sixty-two, are hereby confirmed, ratified and made valid, to
the same extent as would have been the case, had such acts
and doings been done before the expiration of the term for
which said act of incorporation was continued in force.

SECTION 3. This act shall take effect upon its passage.

Approved May 5, 1864.

[1864, 108.]

AN ACT in aid of the North Adams Water Company.

*Chap. 191**Be it enacted, &c., as follows :*

SECTION 1. For the purpose of aiding the North Adams *Adams may issue*
Water Company in paying all costs and expenses incurred *water scrip in aid*
in supplying the village of North Adams with pure water, *of water compa-*
as authorized by the act incorporating said company, the *ny.*
town of Adams shall have authority to issue, from time to
time, notes, scrip or certificates of debt, to be denominated
on the face thereof "North Adams Water Scrip," to an
amount not exceeding forty thousand dollars, and bearing
interest at a rate not exceeding the legal rate of interest in
this Commonwealth. Said interest shall be payable semi- *Interest and*
annually, and the principal shall be payable at periods not *principal, when*
more than thirty years from the issuing of said notes, scrip *payable.*
or certificates respectively. Said notes, scrip or certificates *Loan of scrip.*
may be loaned to said water company upon such terms and
conditions as may be by the town of Adams prescribed.

All notes, scrip and certificates of debt issued as aforesaid, *Scrip, how signed*
shall be signed by the treasurer of said town and counter- *and recorded.*

Sale of by com-
pany.

signed by the chairman of the selectmen, and a record of all such notes, scrip and certificates shall be made and kept by the said treasurer. Said water company may sell the same or any part thereof, from time to time, or pledge the same for money borrowed for the purposes aforesaid; but the same shall not be sold or pledged at less than the par value thereof.

Taxes for pay-
ment of principal
and interest.

SECTION 2. The town of Adams is hereby authorized to assess and collect upon the polls and estate, real and personal, in the fire district of North Adams, all taxes necessary to pay the principal and interest of the notes, scrip and certificates issued and loaned as aforesaid.

Acceptance of
act. Meetings of
voters of fire
district and
town.

SECTION 3. There shall be a legal meeting of the voters of said fire district, called within four years after the passage of this act, for the purpose of having said voters give in their written votes on the question, whether they will accept this act; and if two-thirds of said votes shall be in the affirmative, then the selectmen of the town of Adams shall warn a meeting of the voters of said town within three months thereafter, for the purpose of having said voters give in their written votes upon the question, whether they will accept the same; and if two-thirds of said votes given upon the question aforesaid shall be in the affirmative, then this act shall be binding, otherwise it shall be void.

SECTION 4.. This act shall take effect upon its passage.

Approved May 5, 1864.

[1866, 99; 1867, 54.]

Chap. 192 AN ACT to incorporate the New Bedford and Fall River Railway Company.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. James D. Thompson, John R. Thornton, John H. Perry, George A. Bourne, Richard Borden, Jefferson Berden, James Y. Smith, Earl P. Mason, their associates and successors, are hereby made a corporation by the name of the New Bedford and Fall River Railway Company; with all the privileges and subject to all the duties and liabilities set forth in the sixty-third and sixty-eighth chapters of the General Statutes, and in all general laws which have been or may hereafter be passed relating to railroads and railroad corporations.

Name.

Powers and
duties.

Location of road.

SECTION 2. The said company may locate, construct and operate a railway, commencing at a point in the city of New Bedford on the Acushnet River north of Howland's oil factory, thence running in a westerly direction on the south side of Allen Street in said city, crossing Fresh River south of the village of North Dartmouth, thence westerly crossing West-

port River between Westport village and Westport factory, thence across Watuppa and Cook's ponds in Fall River to a point on the Old Colony and Newport Railway, near the new Linen Mill in the city of Fall River. Said company may extend their road in the city of New Bedford northerly along South Front Street, to the northerly terminus thereof, and thence easterly to the Acushnet River: *provided*, said company shall not lay their rails along said street without first obtaining the assent thereto of the city council of New Bedford. And said railway, so far as it is laid in said street, shall be subject to all the provisions of law that relate to street railways.

Extension in N. Bedford.

Proviso.

SECTION 3. Said company may with the consent of the Old Colony and Newport Railway Company, and not otherwise, enter upon and use the railway of said last named company, subject to the general laws relating to railroads and railroad corporations.

May use tracks of O. C. and N. Company.

SECTION 4. The capital stock of said New Bedford and Fall River Railway Company shall be fixed by said company at an amount not less than three hundred thousand dollars, nor more than five hundred thousand dollars, and when so fixed shall not thereafter be changed; and shall be divided into shares of one hundred dollars each. Said company may purchase and hold such real estate as may be necessary for the purposes for which it is incorporated.

Capital stock and shares.

Real estate.

SECTION 5. This act shall be void unless the said railroad be located within two years, and constructed within three years, from the passage hereof.

To be located in two years and constructed in three years.

SECTION 6. This act shall take effect upon its passage.

Approved May 5, 1864.

[1866, 203; 1867, 90.]

AN ACT to incorporate the Eastern Express Company.

Chap. 193

Be it enacted, &c., as follows:

SECTION 1. John R. Hall, James N. Winslow, Francis W. Carr, their associates and successors, are hereby made a corporation, in the city of Boston, by the name of the Eastern Express Company, for the purpose of forwarding and transporting merchandise, money, and other property, collecting notes, bills, and other claims, and doing other express business; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the general laws which are or may be in force, relating to corporations, so far as the same may be applicable to said corporation.

Corporators.

Name and purpose.

Powers and duties.

Capital stock and shares.

Real and personal estate.

Liability of stockholders.

Liability as common carriers.

SECTION 2. The capital stock of said corporation shall not exceed two hundred thousand dollars, and shall be divided into shares of one hundred dollars each. Said corporation may hold such real and personal estate as may be necessary for carrying on its business, not exceeding in all the amount of its capital stock aforesaid.

SECTION 3. Each stockholder in said corporation shall be personally liable for all its debts and liabilities incurred during the time he is a stockholder, and may be joined as defendant in any action therefor against said corporation. Any party so liable, who pays, on a judgment or otherwise, more than his proportional share of any such debt or liability, shall have a claim for contribution against the other parties personally liable therefor, and may enforce the same by action of contract or bill in equity.

SECTION 4. Nothing in this act contained shall be deemed to affect the liabilities of said corporation, or its stockholders, as common carriers.

SECTION 5. This act shall take effect upon its passage.

Approved May 5, 1864.

Chap. 199

AN ACT to incorporate the Morning Star Beneficial Society.

Be it enacted, &c., as follows :

Corporators.

Name and purpose.

Powers and duties.

Real and personal estate.

SECTION 1. Caleb Handy, Noah Tillson, and William H. Hall, their associates and successors, are hereby made a corporation, by the name of the Morning Star Beneficial Society of New Bedford, for the purpose of affording by means of a stated contribution from the members pecuniary assistance to each other in times of sickness ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in all general laws which now are or may be in force, relating to such corporations.

SECTION 2. Said corporation may take and hold, for the purposes aforesaid, real and personal estate, to an amount not exceeding ten thousand dollars. *Approved May 5, 1864.*

[1849, 97; 1854, 10, 202; 1855, 476.]

Chap. 200

AN ACT concerning the Conway Fire Insurance Company of Boston.

Be it enacted, &c., as follows :

Made distinct from Conway Mutual Co. of Conway.

Powers and duties.

SECTION 1. The Conway Fire Insurance Company of Boston, is and shall be, in all respects, a corporation distinct from the Conway Mutual Fire Insurance Company of Conway, and may make insurance against fire and marine losses ; with all the powers and privileges, and subject to all liabilities and restrictions, relating to stock insurance companies in this Commonwealth.

SECTION 2. The Conway Fire Insurance Company of Boston is hereby authorized to increase its capital stock, by adding thereto a sum not exceeding one hundred and fifty thousand dollars. \$150,000 additional capital stock.

SECTION 3. This act shall take effect upon its passage.

Approved May 5, 1864.

AN ACT to incorporate the American Wheat Company.

Chap. 203

Be it enacted, &c., as follows:

SECTION 1. Linus Child, John H. Blake and Charles L. Flint, their associates and successors, are hereby made a corporation in the city of Boston, by the name of the American Wheat Company, for the purpose of manufacturing and selling machinery for removing bran and cleansing wheat and other grains, with authority to purchase the letters-patent of "Bentz's Unbranners," and to manufacture under the same: and for this purpose shall have all the powers and privileges and be subject to all the duties, restrictions and liabilities set forth in the general laws which are or may be in force relating to manufacturing corporations. Corporators.
Name and purpose.
Powers and duties.

SECTION 2. The said corporation shall have its place of business in the city of Boston, and may establish its manufactory in any town in the Commonwealth, and for this purpose may hold real estate to the amount of two hundred thousand dollars; and the whole capital stock of said company shall not exceed five hundred thousand dollars, divided into shares of one hundred dollars each: *provided, however,* that at least seventy-five per cent. of the capital stock issued and paid in under the provisions of this act shall be employed in the erection of mills and other buildings, and in the purchase of grain and the manufacture of flour and machinery for removing the bran and cleansing grain. Place of business.
Real estate.
Capital stock and shares.
Proviso.

SECTION 3. This company shall not commence business till two hundred and fifty thousand dollars of the capital stock is paid in, in cash. When to commence business.

Approved May 7, 1864.

AN ACT to incorporate the Boston and New York Steamship Company.

Chap. 204

Be it enacted, &c., as follows:

SECTION 1. Edwin Parker, Charles O. Whitmore, Philo S. Shelton and Charles J. F. Eastman, their associates and successors, are hereby made a corporation by the name of the Boston and New York Steamship Company; with all the powers and privileges and subject to all the duties, liabilities and restrictions, set forth in the general laws which now are or hereafter may be in force relating to such corporations. Corporators.
Name.
Powers and duties.

May own and
employ steamers.

SECTION 2. Said corporation is hereby authorized and empowered to build, purchase, charter, hold and convey one or more steamships or steam-propellers, and to employ the same in the business of transporting passengers and freight between the ports of Boston and New York, with liberty to touch at intermediate ports.

Capital stock and
shares.

SECTION 3. The capital stock of said corporation shall not exceed five hundred thousand dollars, and shall be divided into shares of the par value of one hundred dollars each. Said corporation shall have power to assess, from time to time, upon said shares such sums as may be deemed necessary to accomplish its object, not exceeding the par value of said shares. No certificate of stock shall be issued until the par value thereof shall have been actually paid in, and no business shall be transacted by said corporation until at least two hundred thousand dollars of its capital stock shall have been subscribed.

Assessments.

Issue of stock.

Conditions of va-
lidity of act.

SECTION 4. If said corporation shall not within one year from the passage hereof have been organized and have collected by assessment an amount equal to fifty thousand dollars of its capital stock subscribed; and shall not within two years from the passage of this act have one or more steamships or steam-propellers employed in the transportation of passengers and freight between said ports of Boston and New York; or if said corporation shall thereafter fail for the period of one year so to employ one or more steamships or steam-propellers in said business, then this act shall be null and void.

SECTION 5. This act shall take effect upon its passage.

Approved May 7, 1864.

[1862, 136.]

Chap. 205

AN ACT concerning the Wrentham Branch Railroad Company.

Be it enacted, &c., as follows:

\$195,000 addi-
tional capital
stock.

Proviso.

SECTION 1. The Wrentham Branch Railroad Company is hereby authorized to increase its capital stock one hundred and ninety-five thousand dollars: *provided, however,* that said corporation shall not begin to build its road, until a certificate is filed in the office of the secretary of the Commonwealth, subscribed and sworn to by the president and a majority of the directors, stating that all the stock named in its charter and in this act has been subscribed for by responsible parties, and twenty per centum of the par value of each and every share thereof has been actually paid into its treasury.

SECTION 2. This act shall take effect upon its passage.

Approved May 10, 1864.

[1865, 16; 1867, 173.]

[1848, 15; 1863, 4.]

AN ACT concerning the Glasgow Company.

Chap. 206

Be it enacted, &c., as follows :

SECTION 1. The Glasgow Company is hereby authorized to increase its capital stock not exceeding one thousand shares, at the par value of one hundred dollars each; making the aggregate capital four hundred and fifty thousand dollars; and may hold real estate to the value of one-half of its capital.

Increase of capital stock.

Real estate.

SECTION 2. Said company may add the making of paper to its articles of manufacture which are now authorized by its charter.

May manufacture paper.

SECTION 3. This act shall take effect upon its passage.

Approved May 10, 1864.

[1866, 130.]

[1854, 269; 1856, 131.]

AN ACT concerning the Congregational Library Association.

Chap. 207

Be it enacted, &c., as follows :

SECTION 1. The Congregational Library Association is hereby authorized to change its name and to take the name of the American Congregational Association.

Name changed.

SECTION 2. In addition to the powers heretofore granted said corporation, it is hereby authorized to do such acts as may promote the interest of Congregational churches, by publishing works, by furnishing libraries and pecuniary aid to parishes, churches and Sabbath schools; by promoting friendly intercourse and co-operation among Congregational ministers and churches and with other denominations, and by collecting and disbursing funds for the above objects.

Additional powers granted.

SECTION 3. This act shall take effect upon its passage.

Approved May 10, 1864.

[1860, 136; 1861, 206; 1864, 188.]

AN ACT to establish the City of Taunton.

Chap. 209

Be it enacted, &c., as follows :

SECTION 1. The inhabitants of the town of Taunton shall continue to be a body politic and corporate, under the name of the city of Taunton, and as such shall have, exercise and enjoy, all the rights, immunities, powers and privileges, and shall be subject to all the duties and obligations, now incumbent upon, and appertaining to said town, as a municipal corporation.

City established.

SECTION 2. The administration of all the fiscal, prudential and municipal affairs of said city, with the government thereof, shall be vested in one principal officer to be styled the mayor, one council of eight to be called the board of

Government.

aldermen, and one council of twenty-four to be called the common council, said boards in their joint capacity to be the city council. The members of said boards shall be sworn to the faithful discharge of their respective duties. A majority of each board shall make a quorum.

Division into wards.

SECTION 3. It shall be the duty of the selectmen of said town, as soon as may be after the passage of this act, and its acceptance as is herein provided, to divide said town into eight wards, to contain as nearly as conveniently may be, an equal number of legal voters, which division may be revised by the city council within one year from the passage hereof. The city council shall once in five years and not oftener, alter, if needful, the boundaries of said wards, in such manner, however, as to preserve an equal number of voters in each ward.

Election of ward officers.

SECTION 4. On the first Monday in December, annually, there shall be chosen by ballot in each of said wards, a warden, clerk and three inspectors of elections, who shall be different persons, residents in the ward, who shall hold their offices one year and until others are chosen and qualified in their stead. Said wardens shall preside at all ward meetings, with the power of moderators of town meetings; and if at any meeting the warden is not present, the clerk shall preside until a warden *pro tempore* is chosen by ballot; if both the warden and clerk are absent the senior in age of the inspectors present shall preside until a warden *pro tempore* is thus chosen; and if all said officers are absent, any legal voter in said ward may preside until a warden *pro tempore* is so chosen. When any ward officer is absent or neglects to perform his duty, his office shall be filled *pro tempore*. The clerk shall record all the proceedings and certify the votes, and deliver to his successor in office all such records and journals, together with all other documents and papers held by him in said capacity. The inspectors shall assist the warden in receiving, assorting and counting the votes. All said officers shall be sworn to the faithful discharge of their duties; said oath to be administered by the clerk to the warden, and by the warden to the clerk and the inspectors, or to either of said officers by any justice of the peace for Bristol County; certificate of such oaths shall be made by the clerk upon the ward records. All warrants for meetings of the citizens for municipal purposes, to be held either in wards or in general meeting, shall be issued by the mayor and aldermen and shall be in such form, and served and returned in such manner and at such times as the city council shall direct.

Ward meetings, presiding officers.

Vacancy in ward office.

Clerk of ward, duties.

Inspectors.

Oaths of ward officers, how administered.

Warrants for meetings.

SECTION 5. The mayor shall be elected by the qualified voters of the city at large, voting in their respective wards; and one alderman, three common councilmen and one assessor, shall be elected from, and by the voters of each ward. Said officers shall be chosen by ballot, and hold their offices for one year from the first Monday of January, and until others are chosen and qualified in their stead. At the first annual election under this act, there shall be chosen, in the manner provided for the election of mayor, a board of school committee, consisting of nine, one-third of whom shall be chosen for one year, one-third for two years, and one-third for three years. At each annual election thereafter, three members of said board shall be chosen, in the manner provided for the election of mayor, for the term of three years. Vacancies in the board shall be filled in the manner provided by law for filling vacancies in the school committees of cities.

Elections, mayor, aldermen, council and assessors.

School committee.

Vacancies.

SECTION 6. On the first Monday of December annually, the qualified voters in each ward shall give in their votes for mayor, aldermen, common councilmen, school committee and assessors, as provided in the preceding section; and all the votes so given shall be assorted, counted and declared, and registered, in open ward meeting, the name of each person voted for, and the number of votes given for each, to be recorded in words at length. The clerk of the ward, within twenty-four hours after such election, shall deliver to the persons elected aldermen, common councilmen and assessors, certificates of their election, signed by the warden and clerk, and by a majority of the inspectors, and shall deliver to the city clerk a copy of the record of such elections certified in like manner. Such persons as receive the greatest number of votes for their respective offices shall be declared elected. If no person is elected because two or more have received the same number of votes for any of said offices, except for mayor, another ballot may then be had or the meeting may be adjourned from time to time until some person is elected. The board of aldermen shall, as soon as may be, examine the copies of the records of the several wards, certified as aforesaid, and shall cause the person who has received the greatest number of votes for mayor, and the persons who have received the greatest number of votes for school committee, respectively, to be notified in writing of their election; but if no person is so elected, or if any person refuses to accept, the board shall issue their warrants for a new election, and the same proceedings as before provided, shall thereupon be had, until such officers

Election of mayor, aldermen; councilmen, school committee and assessors, annual.

Certificates of election.

Plurality of votes to elect.

Proceedings in case of failure to elect.

Mayor and school committee to be notified of election.

In case of failure to elect, &c.

Mayor, vacancy
in office of, how
filled.

Oath of mayor.

Of aldermen and
council.

Organization of
council.

Chairman of
aldermen, *pro
tempore*.

Records of pro-
ceedings.

Vacancies in
either board.

Overseers of poor.

Mayor, powers
and duties de-
fined.

General execu-
tive power vested
in mayor and
aldermen.

are chosen. If a mayor dies or resigns, or is unable to perform the duties of his office, the boards of aldermen and common council shall respectively, by vote, declare that a vacancy exists, and the cause thereof; whereupon the two boards shall meet in convention, and elect a mayor to fill the vacancy, who shall hold the office until the inability aforesaid is removed, or until a new election. The oath shall be administered to the mayor by the city clerk or any justice of the peace for Bristol County. The aldermen and common councilmen elect shall on the first Monday of January, at ten o'clock in the forenoon, meet in convention, when the mayor shall administer the oath to the members of said boards, or in the mayor's absence, said oath may be administered by any justice of the peace for Bristol County, a certificate whereof shall be entered on the journals of said boards by their respective clerks. The boards shall then separate, and the common council shall choose one of their number for president, and shall also choose a clerk, who shall be sworn to the faithful discharge of their duties. If the mayor be absent, the board of aldermen may choose a chairman who shall also preside at joint meetings of the two boards. Each board shall keep a record of its proceedings, and judge of the election of its members. In case of failure of election, or if a vacancy is declared by either board, or if a vacancy exists in the board of assessors, the mayor and aldermen shall order a new election. The mayor and aldermen shall constitute the board of overseers of the poor.

SECTION 7. The mayor shall be the chief executive officer of the city; he shall also be, *ex officio*, a member of the board of assessors. He shall be vigilant to cause the laws and regulations of the city to be enforced; he shall exercise a general supervision over the conduct of all subordinate officers and shall cause neglect of duty to be punished. He may call special meetings of the aldermen and common council, or either of them, by causing written notices thereof to be left at the places of residence of the several members. He shall communicate such information and recommend such measures as he thinks proper. He shall preside in the board of aldermen, and in convention of the two boards, but shall have a casting vote only.

SECTION 8. The executive power of said city, generally, and the administration of the police, with all the powers heretofore vested in the selectmen of the town of Taunton shall be vested in and exercised by the mayor and aldermen, as fully as if the same were herein specially enumerated.

The mayor and aldermen shall have exclusive power to appoint constables, and a city marshal or chief of police and assistants, with the powers and duties of constables, and all other police officers, and to remove the same when cause exists therefor. All powers now vested in the inhabitants of said town, and all powers granted to them in this act, shall be vested in the mayor and aldermen and common council, except so far as different provisions are herein made, to be exercised by concurrent vote, each board to have a negative upon the other. The city council shall annually, as soon as may be after their organization, elect by joint ballot, a city treasurer, collector of taxes, city clerk, and all other necessary subordinate city officers, not herein otherwise provided for, for the ensuing year. The city council shall, by by-law, fix the compensation of said officers, and shall define their duties, so far as the same are not determined by the laws of the Commonwealth. The city council may fill a vacancy existing in any such office. The sessions of the boards aforesaid shall be public when they are not engaged in executive business. The city council shall see that money is not paid from the city treasury unless granted or appropriated; shall secure a just and prompt accountability by requiring bonds with sufficient penalties and sureties, from all persons intrusted with the receipt, custody or disbursement of money, and also from such other officers as they may think fit; they shall have the care and superintendence of the city buildings, and the control and management of all city property, with power to let or sell what may be legally let or sold. They may purchase property, real and personal, in the name and for the use of the city when it is expedient to do so. The city council shall publish annually, a particular account of the city receipts and expenditures, and a schedule of the city property and debts. They shall also fix the annual salary of the mayor.

Appointments.

Treasurer, clerk and collectors, council to elect.

Compensation and duties.

Vacancies.

Sittings to be public.

Money to be appropriated and restrictions imposed by council.

City buildings and property, under control of council.

Salary of mayor.

Incompatible offices.

Duty of city clerk.

Tenure.

Assessors, powers and duties.

SECTION 9. No alderman or common councilman shall be appointed or elected by the city council to any office, the salary of which is paid by the city.

SECTION 10. The city clerk shall also be clerk of the board of aldermen and shall be sworn to the faithful discharge of his duties. He shall perform such duties as are prescribed by the board of aldermen and such as are incumbent upon the town clerk of said town, and shall have the powers vested in such town clerk. He may be removed by the city council.

SECTION 11. The assessors chosen as aforesaid shall exercise the same powers, and be subject to the same duties and

Collection of taxes.	liabilities as town assessors exercise and are subject to, under the laws of the Commonwealth. They shall be sworn to the faithful discharge of their duties. The city council may establish further or additional provisions for the collection of taxes.
List jurors.	SECTION 12. The list of jurors shall be prepared by the mayor and aldermen, in the manner now required of selectmen, and the list shall be submitted to the common council, for concurrent action or amendment. The mayor, aldermen and city clerk, shall have the powers in regard to drawing jurors, and other matters relating to them, now vested in selectmen and town clerks. Venires for jurors to be returned from said city, shall be served on the mayor and aldermen.
Drawing of jurors.	
Venires, how served.	
Laying out of streets.	SECTION 13. The mayor and aldermen with the concurrent vote of the common council, may lay out, alter or discontinue, streets and town ways, fix the grades thereof, and estimate the damages sustained by parties thereby; parties aggrieved by such action to have the same right of application and complaint to the county commissioners, that they now have when dissatisfied with the action of selectmen.
Streets and ways, council to control and estimate private damages.	
Drains and sewers.	SECTION 14. The mayor and aldermen, with the concurrence of the common council, may lay drains and common sewers through streets or private lands, paying the owners such damages as they sustain thereby. They may require any person opening a drain into such common drain or sewer, to pay a reasonable sum for that privilege.
Election of representatives to general court.	SECTION 15. The mayor and aldermen shall each year issue their warrants for calling meetings for the election of the whole number of representatives to the general court, to which the said city is by law entitled, such number to be specified in such warrants.
Election of county, state and federal officers.	SECTION 16. All elections of county, state and United States officers, who are chosen by the people, shall be held at meetings of citizens qualified to vote in such elections in their respective wards at the time prescribed by law; the votes given for such officers shall be received, assorted, counted, declared and registered, in open ward meetings as is herein provided in reference to city officers. The ward clerk shall forthwith deliver to the city clerk a certified copy of the record so made. The city clerk shall forthwith record such returns. The mayor and aldermen shall, within two days after such elections, examine and compare the same, and make out a certificate of the result, to be signed by the mayor, a majority of the aldermen, and the city clerk, and shall transmit the same in the manner in
Returns of votes.	

which selectmen are required to do. If the whole number of representatives to the general court are not elected, the mayor and aldermen shall issue their warrants for such election, conformably to the constitution and laws. Failures to elect.

SECTION 17. Lists of voters in each ward shall be prepared by the mayor and aldermen, as is required of the selectmen of towns. For this purpose they shall have access to the assessors' books and lists, and be entitled to the assistance of all the city officers. Said lists shall be delivered to the clerks of the wards, to be used at elections, and copies of the list for each ward shall be posted in three public places in said ward, at least seven days before such elections. No person shall be entitled to vote in a ward whose name is not borne upon the list for that ward: *provided*, that any person whose name is not thereon may have his name entered thereupon, at any time before the closing of the polls in such ward, upon presenting to the ward officers present a certificate signed by the mayor or city clerk, setting forth his right to have his name thus entered. Lists of voters, how prepared.

SECTION 18. General meetings of the citizens qualified to vote may be held according to the right secured to the people by the constitution of the Commonwealth. Such meetings shall be called by the mayor and aldermen on the petition of fifty qualified voters. Right of suffrage, conditions prescribed.

SECTION 19. The city council may make by-laws with suitable penalties, for the inspection, survey, measurement, weighing and sale of lumber, wood, coal and bark, brought into or exposed in the city for sale, and all such other by-laws as towns may make and establish; but no penalty for a breach thereof shall exceed twenty dollars. Such by-laws shall not require the sanction of any court. Such by-laws shall be presented to the mayor for his approval; if he approve he shall sign them, if not he shall return them to either branch of the city council, with his objections; if they are again passed by two-thirds of each board present and voting thereon, the same shall become a law, otherwise not. All fines and forfeitures for the breach of any by-law or ordinance shall be paid into the city treasury. Meetings of citizens.

SECTION 20. All fines, forfeitures and penalties, accruing for the breach of any by-law of said city, or of the ordinances of the city council, or of any of the orders of the mayor and aldermen, may be prosecuted for, and recovered before the municipal court of said city, in the manner in which fines, forfeitures and penalties, are now by law prosecuted for and recovered; reserving, however, to the party prosecuted, the right of appeal to the superior court. If Inspection of lumber, wood, coal and bark.

Fines and penalties, how recovered.

Right of appeal.

any person refuses to pay such a fine imposed upon him, or refuses to recognize with sureties to prosecute his appeal, the same proceedings shall be had as under like circumstances in any criminal prosecution.

Municipal court established

Jurisdiction.

Justices and clerk.

Election of clerk.

Governor may appoint justices, and clerk be elected. Section otherwise to have force in Jan. '65.

Powers of justice.

Salary of justice.

Salary of clerk.

Associate justice.

Ward meetings for choice of officers, when to be called.

SECTION 21. A court to be called the municipal court of Taunton is hereby established in said city. Said court shall have the jurisdiction heretofore exercised and possessed by the police court of Taunton, and by any justice of the peace in Bristol County; and also in civil causes its jurisdiction shall extend to cases when the *ad damnum* stated in the writ does not exceed two hundred dollars, and in criminal causes, to any offence which is not a felony. Said court shall consist of one able and honest man, to be appointed by the governor as principal justice, one such man to be appointed in like manner, as associate justice, and one clerk, who shall hold his office five years from the time of his election and qualification. Said clerk shall be chosen by the legal voters of said city in the manner and at the time they first elect city officers under this charter. A clerk of said court shall be elected every fifth year thereafter, at the municipal election in said city. At any time after this act is accepted, as herein provided, the governor may appoint the justices of said court; but this section, except as to the choosing of said clerk, and the making of said appointments, shall not take effect until the first Wednesday of January next. The principal justice of said court shall have the powers conferred by the laws of the Commonwealth upon justices of police courts. He shall be paid an annual salary, from the treasury of the Commonwealth, of one thousand dollars. The clerk shall receive from the same source, an annual salary of six hundred dollars. The associate justice, who shall officiate only in case of the absence or other inability or disability of the principal justice, shall receive from him three dollars for each day on which he holds a session of said court. All the provisions of the laws of this Commonwealth relating to police courts, their justices and clerks, shall apply to the court herein created, except so far as they are inconsistent with the provisions hereof.

SECTION 22. For the purpose of organizing the system of government hereby established, and putting the same into operation, the selectmen of the town of Taunton shall, after the acceptance of this act, and at least seven days before the first Monday of December next, issue their warrants, calling meetings of the legal voters on that day, in the different wards, at some place in each, to be designated in said warrants, for the purpose of choosing a warden,

clerk and inspectors, for each ward, and all other officers whose election in such manner is provided for in this act; and the transcripts of the record of each ward specifying the votes given therein for the several officers aforesaid, certified by the warden and the clerk of each ward, shall be returned to the said selectmen, who shall examine and compare the same; and if said elections are not completed at the first meeting they shall then issue new warrants until such elections are completed. They shall give notice to the persons elected, in the manner herein before provided. At said first meetings any inhabitant, being a legal voter in the ward, may call the meeting to order and preside until a warden is chosen. A list of voters in each ward, prepared and corrected by the selectmen, as herein before provided, shall be delivered to some legal voter therein and shall be used in such election. The city council shall meet and the city government be organized on the first Monday of January next, at some place to be designated by the selectmen. Immediately after their organization, the city council shall elect all necessary city officers, who shall hold their offices, respectively, until others are chosen and qualified in their stead, unless sooner removed.

Certificates to be returned to selectmen.

Notice of election. Meetings, how conducted.

City council.

When to organize and elect officers.

SECTION 23. All officers of the town of Taunton having the care and custody of any records, papers or muniments of property, belonging to the said town, shall deliver the same to the city clerk, within one week after his entering upon the duties of his office. The treasurer and collector of the town of Taunton shall pay over to the city treasurer, within one week after he enters upon the duties of his office, all money in his custody or control, belonging to said town; and any money subsequently collected by said collector, shall be paid to said city treasurer. All town officers of Taunton shall hold their respective offices until city officers are chosen and qualified in their stead.

Records, &c., of town to be delivered to city clerk.

Moneys to be transferred to city treasurer.

Town officers to hold until others are elected

SECTION 24. This act shall be void unless a majority of the legal voters of the town of Taunton, present and voting at any legal town meeting called for that purpose shall, within three months from the passage of this act, vote to accept the same; the voting at such meeting to be by ballot, written or printed, yea or nay. The voting list shall be used as at elections of state officers; the selectmen shall preside at any such meetings.

Act void unless accepted within three months.

SECTION 25. All acts and parts of acts inconsistent herewith are hereby repealed.

Repeal.

SECTION 26. This act shall take effect, except as is otherwise provided, upon its passage.

Approved May 11, 1864.

[1864, 217; 1866, 1, 45, 51, 54; 1867, 352.]

[1864, 47.]

Chap. 211 AN ACT in relation to Bounties to Persons Enlisting in the Naval Service.
Be it enacted, &c., as follows :

Governor may
pay bounty for
enlistments in
navy.

Proviso.

May suspend act
by proclamation.

May pay fraction-
al bounty for
proportional
credit since
April 11, '64.

Proviso.

SECTION 1. The governor is authorized to offer and pay a bounty of one hundred dollars to any person who shall enlist in the naval service and be credited as a part of the quota of this Commonwealth, under any future call of the president of the United States: *provided, however*, that all the provisions and restrictions of sections three and four, of chapter one hundred and forty-three of the acts of the year eighteen hundred and sixty-four, shall be applicable to such bounty: and *provided, further*, that the governor, with the consent of the council, may suspend, by proclamation, the operation of this section, whenever he shall deem expedient.

SECTION 2. The governor is authorized to pay a portion of any bounty provided for persons enlisting in the naval service, to a person who has enlisted since the eleventh day of April, in the year eighteen hundred and sixty-four, or shall hereafter enlist in such service for a term of service which shall entitle the Commonwealth to only a fractional credit upon its quota: *provided, however*, that the proportion of such bounty so paid to any person shall not exceed such fractional credit.

SECTION 3. This act shall take effect upon its passage.

Approved May 11, 1864.

[1866, 172, 282; 1867, 126; 1868, 107, 115.]

[1849, 127; 1855, 305; 1858, 84; 1864, 209.]

Chap. 217 AN ACT to repeal certain Acts respecting the Police Court of Taunton.
Be it enacted, &c., as follows :

Repeal.

SECTION 1. All the provisions of the General Statutes relating to the police court of Taunton, and all acts or parts of acts relating to the said court, are hereby repealed.

Causes pending,
how concluded.

SECTION 2. All causes pending before said court, when this act takes effect, shall be concluded as if this act had not passed, and for their services therein the same fees shall be paid to the justices and clerk, as trial justices are entitled to receive for like service.

Approved May 11, 1864.

Chap. 221 AN ACT authorizing the Town of Woburn to establish Public Baths.
Be it enacted, &c., as follows :

Town authorized
to raise money for
public baths.

SECTION 1. The town of Woburn is hereby authorized to raise by taxation or otherwise a sum of money not to exceed three thousand dollars, and appropriate the same in establishing public baths for the use of the inhabitants of said town.

SECTION 2. The selectmen of said town are hereby authorized to establish such regulations and by-laws, relating to the use and management of said baths as they may deem proper, but the town may abrogate or amend such regulations or by-laws at any legal town meeting called for that purpose. May establish regulations.

SECTION 3. This act shall not take effect unless it shall first be accepted by said town at a legal town meeting called for that purpose by two-thirds of the voters present and voting thereon. When to take effect.
Approved May 11, 1864.

[1859, 130.]

AN ACT to protect Cut Beach in the Town of Gloucester.

Chap. 222

Be it enacted, &c., as follows :

SECTION 1. No sand, gravel, earth or stones shall be removed from the beach or upland lying south of and adjoining Western Avenue, formerly Canal Street, in the town of Gloucester, extending from the old fort to the upland of Benjamin K. Hough and others, except for the municipal uses of said town of Gloucester, and by a vote of its inhabitants. Removal of gravel or earth, except by town, forbidden.

SECTION 2. Chapter one hundred and thirty of the acts of the year eighteen hundred and fifty-nine, is hereby repealed. Repeal.
Approved May 11, 1864.

[1868, 166, 220.]

AN ACT concerning the Massachusetts Agricultural College.

Chap. 223

Be it enacted, &c., as follows :

SECTION 1. The corporate name of "The Trustees of the Massachusetts Agricultural College," shall hereafter be "The Massachusetts Agricultural College." Name changed.

SECTION 2. The location, plan of organization, government and course of study, prescribed for said college shall be subject to the approval of the governor and council. Location, government, study, &c.

SECTION 3. It shall be the duty of the commissioner authorized to be appointed by section three of chapter one hundred and sixty-six of the acts of the year eighteen hundred and sixty-three, to sell from time to time the land scrip which may come into the possession of the Commonwealth by virtue of said act, on such terms as the governor and council shall determine. Commissioner under Act of '63 to sell land scrip.

SECTION 4. The governor with the advice and consent of the council, is hereby authorized and instructed to transfer to the Massachusetts Agricultural College one-tenth of the entire amount of land scrip received by the Commonwealth from the United States, by virtue of an act of congress, approved by the president, July second, in the year eighteen Governor to transfer to college one-tenth amount of land scrip received from U. S. under Act of July, '62.

Proceeds of sales,
how expended or
invested.

hundred and sixty-two, entitled "An Act donating Public Lands to the several States and Territories which may provide Colleges for the benefit of Agriculture and Mechanic Arts;" and the proceeds from the sale of said land scrip shall be expended only for the purchase of land for the use of said college. If any portion of such proceeds shall remain unexpended after the purchase of a suitable site or farm for said college, then said college shall pay the same over to the treasurer of the Commonwealth, who shall invest and hold the same as a part of the fund for the promotion of education in agriculture and the mechanic arts, established by the fourth section of the one hundred and sixty-sixth chapter of the acts of the year eighteen hundred and sixty-three.

Advance of money from treasury
for expenses
authorized.

SECTION 5. To defray the necessary expenses of establishing and maintaining the Massachusetts Agricultural College, there may be advanced from the treasury, to be refunded, as provided in section sixth of this act, the sum of ten thousand dollars, and the governor is hereby authorized to draw his warrants therefor: *provided*, that the money shall be paid to the treasurer of said college in quarterly instalments on the first days of June, September, December and March next.

Annual income
of fund established under Act
of '68, applied to
re-payment.

SECTION 6. All moneys received by the treasurer of the Commonwealth, as the annual interest or income of the fund established by the one hundred and sixty-sixth chapter of the acts of the year eighteen hundred and sixty-three, and specially set apart for the use of the Massachusetts Agricultural College, by the eighth section of the two hundred and twentieth chapter of the acts of said year, shall first be applied to the repayment of the appropriation made in the preceding section, and the balance shall be paid to the treasurer of the college.

Repeal regarding
location of land
scrip and general
approval of legislature.

SECTION 7. So much of section three of chapter one hundred and sixty-six of the acts of the year eighteen hundred and sixty-three as authorizes the commissioner therein named to locate land scrip of the Commonwealth, and so much of section six of chapter two hundred and twenty of the acts of the year eighteen hundred and sixty-three as provides that the location, plan of organization, government and course of study prescribed for said college shall be subject to the approval of the legislature, and all other acts and parts of acts inconsistent herewith, are hereby repealed.

SECTION 8. This act shall take effect upon its passage.

Approved May 11, 1864.

[1865, 195, 240.]

AN ACT to confirm certain Acts of Henry A. Edwards as a Superintendent of Alien Passengers. *Chap. 224*

Be it enacted, &c., as follows :

SECTION 1. The acts and doings of Henry A. Edwards, as a superintendent of alien passengers, from the seventeenth day of October, in the year one thousand eight hundred and fifty-nine, to the fifteenth day of February, in the year one thousand eight hundred and sixty-four, are hereby made valid, ratified and confirmed as fully as if during said interval he had been qualified to discharge the duties of said office by taking and subscribing his official oath. Acts done as superintendent of alien passengers confirmed

SECTION 2. This act shall take effect upon its passage.

Approved May 11, 1864.

AN ACT authorizing the establishment of the Boston Asylum for Inebriates. *Chap. 225*

Be it enacted, &c., as follows :

The city of Boston is hereby authorized to establish and maintain at Deer Island or elsewhere within the limits of said city, to be under the charge of the board of directors for public institutions, an asylum to be called the Boston Asylum for Inebriates, to which persons requiring the benefits of such an institution may be admitted as boarders, upon such terms and conditions as the said board of directors may determine, subject to the approval of the city council of Boston. Boston may establish an asylum for inebriates.

Approved May 11, 1864.

[1863, 62.]

AN ACT to change the Name of the Type-Setting Machine Company. *Chap. 226*

Be it enacted, &c., as follows :

SECTION 1. The Type-Setting Machine Company shall hereafter be known as the Type-Setting and Justifying Machine Company. Name changed.

SECTION 2. This act shall take effect upon its passage.

Approved May 11, 1864.

AN ACT to incorporate the Hopkinton Savings Bank. *Chap. 227*

Be it enacted, &c., as follows :

SECTION 1. Lee Claffin, Lovett H. Bowker, Edwin S. Thayer, their associates and successors are hereby made a corporation, by the name of the Hopkinton Savings Bank, to be established and located in the town of Hopkinton, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the fifty-seventh chapter of the General Statutes, and in all other laws of this Commonwealth relating to institutions for savings. Corporators. Name. Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved May 11, 1864.

[1867, 89.]

[1836, 232; 1837, 152, 190; 1838, 193; 1839, 74, 122; 1841, 90; 1844, 133; 1845, 246; 1846, 245; 1847, 70, 182, 203; 1848, 186, 292; 1849, 201; 1851, 128, 242, 264; 1852, 164, 167, 305, 306; 1853, 387, 415; 1854, 46, 54, 310, 395; 1855, 149, 227, 375; 1856, 305; 1857, 220, 1858, 18; 1861, 176; 1863, 90; 1864, 40.]

Chap. 228 AN ACT to authorize the Eastern Railroad Company to straighten its Location across Merrimack River.

Be it enacted, &c., as follows :

May change location between Newburyport and Salisbury.

SECTION 1. The Eastern Railroad Company is hereby authorized to change and straighten the location of its railroad as follows, to wit: Beginning at a point in its present location near and north-easterly of its depot in Newburyport, thence diverging northerly to the left bank of the Merrimack River, thence continuing by a nearly straight line about three-fourths of a mile to the present location of said road in the town of Salisbury; with power to locate, construct and maintain a railroad, and to discontinue so much of its present road as said company may deem expedient, between said terminal points; and said company in locating and constructing said railroad shall have all the rights and privileges, and be subject to all the duties and liabilities, set forth in the general laws relating to railroads and railroad corporations.

Draws in bridge across Merrimack River to be constructed.

Commissioner to be appointed.

Compensation.

Draw, regulations concerning, &c.

Proviso.

SECTION 2. The bridge across the Merrimack River on said new location, shall be constructed with a good and sufficient "pivot draw," having two openings of not less than sixty-five feet each; said draw and bridge to be constructed under the direction of a commissioner to be appointed for that purpose by the supreme judicial court sitting in any county, on the petition of said railroad company, such notice as the court may order on said petition being first given to the city of Newburyport and the town of Salisbury and to such other parties as required by said order. The compensation of said commissioner and the costs of procuring his appointment shall be borne by said company. Said corporation shall be held liable to keep said draw in good repair and to open the same and to afford all proper accommodations to vessels having occasion to pass through the same by day or by night; and shall leave the lower flooring of the present bridge secure and of proper strength for common travel, and shall within eight months from the time of the completion of the new bridge remove such portion of the upper work as may be spared without weakening the structure: *provided*, that the said company shall within eight months from the time of the completion of its said new bridge, construct and put into the present bridge a new draw not less than sixty-five feet in width, with sufficient piers and other structures to make the same secure and of

proper strength for highway travel; such new draw in said present bridge to be constructed and such alterations to be made under the supervision of said commissioner and to be opposite as near as may be to the draw in the new bridge, with convenient buoys for hauling vessels from one draw to the other; and any artificial obstructions which have been placed in the channel-way of said draw shall be removed.

Obstructions to be removed.

SECTION 3. In case said railroad company shall elect not to build its new bridge on the location and on the conditions prescribed in the foregoing section, but shall elect instead thereof to build a new bridge on the site of the present structure, then the said railroad company shall make and maintain in such new bridge on the present site a good and sufficient draw, of the width of not less than sixty-two feet, with sufficient piers and other structures for the support of said bridge and draw; the same to be built under the direction of a commissioner to be appointed by the supreme judicial court and paid by said corporation.

Draw to be maintained, if railroad company build bridge on site of present structure.

SECTION 4. This act shall take effect upon its passage.

Approved May 11, 1864.

[1865, 141; 1866, 58, 107, 278; 1867, 112, 170, 216, 287, 335, 337, 342; 1868, 58, 89, 118, 261, 348.]

[1864, 47.]

AN ACT to secure the more certain Payment of Allotments and Bounties to Soldiers.

Chap. 230

Be it enacted, &c., as follows:

SECTION 1. All moneys allotted by any soldier in the army, and which shall be distributed according to the provisions of the sixty-second chapter of the acts of the year one thousand eight hundred and sixty-two, entitled "An Act concerning the Custody and Distribution of Funds of the Massachusetts Volunteers," or which, by authority of any law of the Commonwealth, are required to be distributed by any officer of any city or town, to persons holding an allotment or assignment from any soldier in the army of the United States, shall be paid to the person entitled to receive such moneys, without any deduction, or any charge, commission or claim for compensation for any service in the disbursement thereof.

Payment to be made to person entitled without deduction or charge for service.

SECTION 2. Any treasurer or other officer of a city or town, withholding any portion of the amount which he is by law required to disburse, or charging any commission thereon for services in such disbursement, or in the care thereof, or upon any other pretence whatever, shall be punished by a fine not exceeding one hundred dollars, or by

Penalty for withholding.

imprisonment in the house of correction not exceeding three months.

SECTION 3. This act shall take effect upon its passage.

Approved May 12, 1864.

Chap. 232 AN ACT to provide for additional Pay to our Militia in the service of the United States.

Be it enacted, &c., as follows :

Governor shall pay \$20 monthly to enlisted men of militia mustered in since April 1, '64.

SECTION 1. The governor shall offer and pay to every private and non-commissioned officer of the Massachusetts militia, who has been since the first day of April in the year eighteen hundred and sixty-four, mustered into the service of the United States, or who shall be hereafter mustered into said service, as a part of the Massachusetts militia, the sum of twenty dollars monthly, so long as he shall remain in said service; and this shall be in full discharge of all claim upon the Commonwealth for pay, bounty and state aid.

Manner and form of payment.

SECTION 2. The payment provided for in the first section of this act shall be made in manner and form as prescribed for payment in chapter two hundred and fifty-four of the laws of the year eighteen hundred and sixty-three, and the provisions of said chapter relating to the manner of payment are hereby made applicable to the same.

Provisions ch. 254, Acts '63, to apply in payment.

SECTION 3. This act shall take effect upon its passage.

Approved May 12, 1864.

[1846, 90; 1848, 285; 1849, 94, 199; 1850, 140; 1851, 104, 212; 1852, 167; 1853, 276; 1854, 190; 1855, 14, 62, 216; 1856, 88.]

Chap. 233 AN ACT to authorize the Newburyport Railroad Company to construct Railway Tracks in the Streets of Newburyport.

Be it enacted, &c., as follows :

May construct tracks from Pond Street to Merrimac River.

SECTION 1. The Newburyport Railroad Company is hereby authorized to construct, maintain and use for the transportation of freight, railway tracks connecting the same with the tracks of their railroad near its terminus on Pond Street, in the city of Newburyport, thence upon and over such streets in said city as the mayor and aldermen thereof may from time to time determine, with the assent in writing of said company, its lessees or assigns, filed with said mayor and aldermen, to the wharves and deep water of Merrimac River; and the mayor and aldermen, in their order locating said tracks, shall determine at what distances from the sidewalks said tracks shall be laid, and shall also thus determine what portion of the expenses which may be incurred in the removal of said tracks or any part thereof, in case their location should at any time be revoked, shall be paid by

Mayor and aldermen to locate.

said city ; and before the location of any track in any street, the mayor and aldermen shall give notice to the abutters thereon, and to all parties interested, fourteen days at least, by publication in some newspaper published in said city.

Notice to abutters.

SECTION 2. The manner in which said tracks shall be constructed and maintained, shall be determined by the mayor and aldermen, who shall also have power from time to time, to determine the motive-power to be used thereon, and to make all such regulations as to the rate of speed and mode of use, as the public convenience may require ; and if in the judgment of said company it shall be necessary to alter the grade of any street in which tracks are located, such alteration may be made, by consent of the mayor and aldermen, and the expense thereof shall be paid by said company unless it shall be otherwise determined by the mayor and aldermen.

Construction and maintenance.

Motive-power.

Rate of speed.

Alteration of grade.

Expense.

SECTION 3. Said company shall keep and maintain in repair such portions of the streets as shall be occupied by its tracks, and shall be liable for any loss or injury sustained by any person, by reason of any carelessness or neglect of its agents or servants ; and in case any recovery shall be had against said city, for any carelessness, neglect, or want of repair, as aforesaid, said company shall be liable to pay to said city the sum thus recovered, together with costs and reasonable expenditures incurred, in defence of the suit in which the recovery may be had : *provided*, the company, its lessees or assigns, had reasonable notice of such suit, and an opportunity to assume the defence thereof ; and said company shall not incumber any portion of the streets not occupied by said tracks.

Repair of streets.

Liability for loss or injury by neglect of agents.

Recovery against city ; corporation held to pay with costs.

Proviso.

SECTION 4. If any person shall wilfully and maliciously obstruct said company, or its lessees or assigns, or their agents or servants, in the use of said tracks or the passing of their cars thereon, such person and all who shall be aiding or abetting therein, shall be punished by a fine not exceeding five hundred dollars, or may be imprisoned in the common jail for a term not exceeding three months.

Penalty for obstruction of tracks.

SECTION 5. If said company, its lessees or assigns, or their agents or servants, while in the use of said tracks, shall wilfully and maliciously obstruct any street, or the passing of any carriage over the same, it shall be punished by a fine not exceeding five hundred dollars.

Penalty for obstruction of streets by company.

SECTION 6. Nothing in this act shall be construed to prevent the mayor and aldermen of said city from exercising any power which by law they now have, to enter upon and take up any street in which said tracks may be laid.

Mayor and aldermen may take up tracks.

May discontinue
tracks and
change location.

SECTION 7. At any time after the expiration of one year from the opening for use of any tracks constructed in pursuance of this act, the mayor and aldermen of said city may determine that said tracks or any portion thereof shall be discontinued, and thereupon, the location thereof shall be deemed to be revoked, and shall be removed in conformity to the order of said mayor and aldermen.

Company may
connect and use
tracks jointly
with Newbury-
port and Ames-
bury Railroad
Company.

SECTION 8. Said company may connect the tracks, hereby authorized to be constructed, with, and use for the transportation of freight the tracks of the Newburyport and Amesbury Horse Railroad Company, with the consent of said last named company; and the Newburyport and Amesbury Horse Railroad Company may connect its tracks with, and use for any purpose for which it may lawfully use its own tracks, the tracks hereby authorized to be constructed, with the consent of the Newburyport Railroad Company; such use and connection in either case to be upon terms mutually agreed upon by said companies, and subject to the consent first obtained of the mayor and aldermen of said city.

To take effect if
accepted by city.

SECTION 9. This act shall take effect upon its passage, but shall become void unless accepted by the city council of Newburyport, within one year and by the Newburyport Railroad Company within two years of its passage.

Approved May 12, 1864.

[Special Laws, vol. 1, pp. 238, 512; vol. 3, p. 98; 1815, 54; 1820, 67; 1861, 157.]

Chap. 234

AN ACT in relation to Fisheries in the Town of Winchester.

Be it enacted, &c., as follows:

Fisheries in Mys-
tic River, regula-
tions extended
to Winchester.

SECTION 1. All acts heretofore passed for the preservation of fish and the regulation of fisheries in the Mystic River, shall extend to the town of Winchester, and to all the ponds and streams therein; and the committee for the preservation of fish in said town, shall have full powers to remove all obstructions to the passage of fish therein, during the time fixed by law for the free passage of fish.

Construction of
act.

SECTION 2. Nothing in this act shall be construed to affect any of the provisions of the act, entitled "An Act for supplying the city of Charlestown with Pure Water," approved March twenty-eighth in the year eighteen hundred and sixty-one.

SECTION 3. This act shall take effect upon its passage.

Approved May 12, 1864.

[1865, 219.]

[1836, 249; 1838, 96, 125, 176; 1845, 82; 1846, 15, 268; 1851, 107; 1855, 390.]

AN ACT concerning the Nashua and Lowell Railroad Corporation.

Chap. 235

Be it enacted, &c., as follows :

SECTION 1. The Nashua and Lowell Railroad Corporation is hereby authorized, subject to the provisions of all general laws which now are or hereafter may be in force, to construct and maintain a railroad track or tracks from its present tracks, across Western Avenue and School Street in the city of Lowell, or either of them, to the land of said corporation on the southerly side of said avenue ; said track or tracks only to be laid with the consent of the city council of said city of Lowell and under such regulations and restrictions as said city council shall establish.

May construct track across streets in Lowell.

Subject to consent of city council.

SECTION 2. This act shall take effect upon its passage.

Approved May 12, 1864.

[1867, 77; 1868, 181.]

AN ACT to incorporate the Emigrant Express Company in the City of Boston. *Chap. 236*

Be it enacted, &c., as follows :

SECTION 1. Edward Atkinson, George L. Ward, George Winslow, Ginery Twichell, John M. Forbes, their associates and successors, are hereby made a corporation in the city of Boston, by the name of the Emigrant Express Company, for the purpose of aiding and promoting the emigration to the United States of skilled laborers in the various departments of industry ; with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force relating to corporations, so far as the same are applicable to said corporation.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. The capital stock of said corporation shall not exceed one hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

Capital stock and shares.

SECTION 3. This act shall take effect upon its passage.

Approved May 12, 1864.

AN ACT to incorporate the Whitman and Miles Manufacturing Company. *Chap. 241*

Be it enacted, &c., as follows :

SECTION 1. Augustus Whitman, Eugene T. Miles, Lowell M. Miles and Jared Whitman, junior, their associates and successors, are hereby made a corporation, by the name of the Whitman and Miles Manufacturing Company, for the purpose of manufacturing mowing and reaping machines, knives, edge-tools, and other implements of iron and steel, in the town of Fitchburg ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set

Corporators

Name and purpose.

Powers and duties.

forth in all general laws, which now are or may hereafter be in force, relating to such corporations.

Real estate.

Capital stock and shares.

SECTION 2. The said corporation may hold, for the purpose aforesaid, real estate to the amount of one hundred and fifty thousand dollars, and the whole capital stock of said corporation shall not exceed two hundred and fifty thousand dollars in shares of one hundred dollars each.

SECTION 3. This act shall take effect upon its passage.

Approved May 13, 1864.

[1864, 182.]

Chap. 242 AN ACT to authorize the Town of Sandisfield to take Stock in the Pittsfield and New Haven Railroad Company.

Be it enacted, &c., as follows :

Sandisfield may take stock in Pittsfield and New Haven Railroad.

SECTION 1. The town of Sandisfield is hereby authorized to subscribe for and hold shares in the capital stock of the Pittsfield and New Haven Railroad Company, to an amount not to exceed fifty thousand dollars, and to pay for the same out of the treasury of the town and to hold the same as town property subject to the disposition of the town, for public purposes in like manner as any other property which it may possess.

May raise money by loan or tax.

SECTION 2. The said town of Sandisfield is hereby authorized to raise by issuing its bonds, or by loan or tax, any sums of money which shall be required to pay its instalments or its subscriptions to said stock and interest thereon.

May appoint committee to subscribe for shares.

SECTION 3. The said town of Sandisfield may appoint a committee who shall subscribe in behalf of the town for such number of shares in the capital stock of said company as shall be voted by said town ; and said committee are hereby authorized to cast the vote of said town in the choice of directors of said road at the first meeting of the stockholders thereof called for that purpose ; and thereafter the vote of said town in the choice of directors of said road, shall be cast by the person or persons whom said town may appoint.

Vote in choice of directors.

Act to be submitted to voters of town.

SECTION 4. The authority granted in the first section of this act shall not vest in said town unless at a legal town meeting called for that purpose, three-fourths of the voters present and voting thereon shall vote to make said subscription ; and the said vote shall be expressed by a written or printed ballot of *yea* or *nay*, and the check list shall be used as in the election of town officers.

Approved May 13, 1864.

[1864, 134.]

AN ACT concerning the Somerville Horse Railroad Company and the Cambridge Railroad Company. *Chap. 243*

Be it enacted, &c., as follows :

SECTION 1. The Cambridge Railroad Company is hereby authorized to purchase of the Somerville Horse Railroad Company all its rights, franchise and property, or a portion only of its tracks, upon such terms as may be agreed upon between the respective boards of directors, and ratified by a majority of the stockholders of each corporation, present and voting thereon, at meetings called for that purpose. Cambridge Co. may purchase Somerville road, in whole or part.

SECTION 2. After the purchase of the whole or a part of the property of the Somerville Horse Railroad Company, as provided in the preceding section, the Cambridge Railroad Company may extend the tracks of the Somerville Horse Railroad, to connect with its own tracks at or near Porter's Hotel in the city of Cambridge, subject to the provisions of the general laws that are or may be in force relative to street railway corporations. May extend tracks to connect with its own in Cambridge.

SECTION 3. If the Cambridge Railroad Company purchases the entire property, rights and franchise of the Somerville Horse Railroad Company, the latter corporation shall thereupon be merged in the Cambridge Railroad Corporation, and said corporation shall thereafter have all the powers and privileges and be subject to all the duties, restrictions and liabilities, now by law appertaining to the two corporations. Union of companies in case of purchase in whole.

SECTION 4. If the Cambridge Railroad Company purchases a part only of the tracks of the Somerville Horse Railroad, said corporation is hereby authorized to increase its capital stock by adding thereto an amount corresponding to the actual sum paid in cash for said tracks; and the Somerville Horse Railroad Company shall thereupon reduce the amount of its outstanding capital stock, in the proportion which the length of track sold bears to the whole length of its tracks. Powers and duties.

Cambridge Co. may increase capital in case of purchase in part.

Somerville Co. to reduce capital.

SECTION 5. This act shall take effect upon its passage.

Approved May 13, 1864.

[S. 1867, 10.]

[1864, 132.]

AN ACT to authorize the Town of Becket to take Stock in the Pittsfield and New Haven Railroad Company. *Chap. 245*

Be it enacted, &c., as follows :

SECTION 1. The town of Becket is hereby authorized to subscribe for and hold shares in the capital stock of the Pittsfield and New Haven Railroad Company, to an amount not to exceed forty thousand dollars, and to pay for the same Becket may take stock in Pittsfield and N. H. Railroad.

out of the treasury of the town and to hold the same as town property subject to the disposition of the town for public purposes in like manner as any other property which it may possess.

May raise money
by loan or tax.

SECTION 2. The said town of Becket is hereby authorized to raise by issuing its bonds, or by loan or tax, any sums of money which shall be required to pay its instalments or its subscriptions to said stock and interest thereon.

May appoint
committee to
subscribe for
shares.

Vote in choice of
directors.

SECTION 3. The said town of Becket may appoint a committee who shall subscribe in behalf of the town for such number of shares in the capital stock of said company as shall be voted by said town. And said committee are hereby authorized to cast the vote of said town in the choice of directors of said road, at the first meeting of the stockholders thereof called for that purpose; and thereafter the vote of said town in the choice of directors of said road, shall be cast by the person or persons whom said town may appoint.

Act to be sub-
mitted to voters
of town.

SECTION 4. The authority granted in the first section of this act shall not vest in said town unless at a legal town meeting called for that purpose, three-fourths of the voters present and voting thereon, shall vote to make said subscription; and the said vote shall be expressed by a written or printed ballot of *yea* or *nay*, and the check list shall be used as in the election of town officers.

Approved May 13, 1864.

[1864, 132.]

Chap. 246 AN ACT to authorize the Town of Otis to take Stock in the Pittsfield and New Haven Railroad Company.

Be it enacted, &c., as follows:

Otis may take
stock in P. & N.
H. Railroad.

SECTION 1. The town of Otis is hereby authorized to subscribe for and hold shares in the capital stock of the Pittsfield and New Haven Railroad Company, to an amount not to exceed fifty thousand dollars, and to pay for the same out of the treasury of the town and to hold the same as town property, subject to the disposition of the town for public purposes, in like manner as any other property which it may possess.

May raise money
by tax or loan.

SECTION 2. The said town of Otis is hereby authorized to raise by issuing its bonds, or by loan or tax, any sums of money which shall be required to pay its instalments or its subscriptions to said stock and interest thereon.

May appoint
committee to
subscribe for
shares.

Vote in choice of
directors.

SECTION 3. The said town of Otis may appoint a committee who shall subscribe in behalf of the town for such number of shares in the capital stock of said company as shall be voted by said town; and said committee are hereby authorized to cast the vote of said town in the choice of

directors of said road at the first meeting of the stockholders thereof called for that purpose; and thereafter the vote of said town in the choice of directors of said road shall be cast by the person or persons whom said town may appoint.

SECTION 4. The authority granted in the first section of this act, shall not vest in said town, unless at a legal town meeting called for that purpose three-fourths of the voters present and voting thereon, shall vote to make said subscription; and the said vote shall be expressed by a written or printed ballot of *yea* or *nay*, and the check list shall be used as in the election of town officers. *Act to be submitted to voters of town.*

Approved May 13, 1864.

[1805, 81.]

AN ACT to authorize the First Universalist Society in Boston to sell *Chap. 247*
Real Estate.

Be it enacted, &c., as follows:

SECTION 1. The First Universalist Society in Boston is hereby authorized to sell and convey by deed its land and meeting-house situated at the corner of North Bennet and Hanover Streets, in the city of Boston; and to use the proceeds thereof, after paying the debts of said society, in such manner and for such purposes as the proprietors of said meeting-house shall determine. *May sell real estate.*

SECTION 2. Said society may, after the disposal of all its corporate property and estate and the payment and discharge of all debts outstanding against it, dissolve itself and cease to hold any corporate powers. *Dissolution of society.*

SECTION 3. This act shall not take effect, unless accepted by a vote of two-thirds of the members of said society present and voting thereon, at a legal meeting called for that purpose. *To take effect upon acceptance by two-thirds vote.*

Approved May 13, 1864.

[1864, 132.]

AN ACT to authorize the Town of Lee to take Stock in the Pittsfield and *Chap. 249*
New Haven Railroad Company.

Be it enacted, &c., as follows:

SECTION 1. The town of Lee is hereby authorized to subscribe for and hold shares in the capital stock of the Pittsfield and New Haven Railroad Company, to an amount not to exceed one hundred thousand dollars, and to pay for the same out of the treasury of the town, and to hold the same as town property, subject to the disposition of the town for public purposes, in like manner as any other property which it may possess. *Lee may take stock in P. & N. H. Railroad.*

SECTION 2. The said town of Lee is hereby authorized to raise, by issuing its bonds, or by loan or tax, any sums of money which shall be required to pay its instalments, or its subscriptions to said stock, and interest thereon. *May raise money by loan or tax.*

May appoint
committee to
subscribe for
shares.

Vote in choice of
directors.

Act to be sub-
mitted to voters
of town.

SECTION 3. The said town of Lee may appoint a committee, who shall subscribe in behalf of the town for such number of shares in the capital stock of said company as shall be voted by said town; and said committee are hereby authorized to cast the vote of said town, in the choice of directors of said road, at the first meeting of the stockholders thereof called for that purpose; and thereafter the vote of said town in the choice of directors of said road, shall be cast by the person or persons whom said town may appoint.

SECTION 4. The authority granted in the first section of this act shall not vest in said town, unless at a legal town meeting called for that purpose, three-fourths of the voters present and voting thereon, shall vote to make such subscription; and the said vote shall be expressed by a written or printed ballot of *yea* or *nay*, and the check list shall be used as in the election of town officers.

Approved May 13, 1864.

[1861, 48; 1862, 14.]

Chap. 251 AN ACT in addition to an Act to incorporate the Quincy Railroad Company.

Be it enacted, &c., as follows:

May extend track
and construct
branch road.

The Quincy Railroad Company is hereby authorized to extend its track from the terminus at Penn's Hill in Quincy, into or through the town of Braintree, and also to construct a branch railroad from some point near the stone church in Quincy into or through the town of Weymouth, with authority to pass over such bridges as such extension and branch road may traverse; subject to the provisions of all general laws that are or may be in force relating to street railways.

Approved May 13, 1864.

Chap. 252 AN ACT to incorporate the South Danvers and Lynn Street Railway Company.

Be it enacted, &c., as follows:

Corporators.

Name.

Location.

SECTION 1. William H. Little, Henry Poor, Stephen Blaney, Lewis Allen, Caleb W. Osborn, their associates and successors, are hereby made a corporation by the name of the South Danvers and Lynn Street Railway Company, with power to construct, maintain and use a railway with convenient single or double tracks, from such point or points at or near the square, so called, in South Danvers, and from such point of intersection with the railroad of the Salem and South Danvers Railroad Company, at said square in said South Danvers, as may be fixed by the selectmen of said South Danvers, and thence, upon and over Foster Street to

Washington Street, Washington Street to Main and to Lynn Streets, and Lynn Street to the dividing line between said South Danvers and the city of Lynn ; and with the right to enter upon and use the tracks of said Salem and South Danvers Railroad Company upon and over Main Street, from Washington Street to the square aforesaid, but not to enter upon and use any other part of said tracks, such use to be in such manner and upon such rates of compensation as may be agreed by the parties, or in case of disagreement, as shall be determined according to law. And said corporation is hereby further authorized to extend and use their railway, in manner aforesaid, from said dividing line, by one direct and eligible route, to some convenient central point in the city of Lynn, subject to location by the board of aldermen of said city : *provided, however*, that if the Lynn and Boston Railroad Company shall, within three months from and after the time when the South Danvers and Lynn Railway shall have been constructed to the said dividing line, locate and extend its tracks from a central point in said city of Lynn to said dividing line in Lynn Street aforesaid, then the South Danvers and Lynn Railway Company, shall not extend its railway beyond said dividing line, but shall have the right there to intersect and connect with the railway of said Lynn and Boston Railroad Company, and to enter upon and use the tracks of said company by one route to some convenient and central point in said city of Lynn and no further, in such manner and upon such terms as the parties may agree, or as, in case of disagreement, shall be determined according to law.

May use certain tracks of Salem and South Danvers road.

May extend road to Lynn.

Proviso.

SECTION 2. The capital stock of said corporation shall not exceed seventy-five thousand dollars.

Capital stock.

SECTION 3. Said corporation shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions which are or may be in force relating to street railway corporations.

Powers and duties.

SECTION 4. This act shall take effect upon its passage.

Approved May 13, 1864.

AN ACT to incorporate the People's Savings Bank in the City of Worcester. *Chap. 253*
Be it enacted, &c., as follows :

John C. Mason, William Cross, Sumner Pratt, their associates and successors are hereby made a corporation by the name of the People's Savings Bank, in the city of Worcester ; with all the powers and privileges and subject to all the duties, liabilities and restrictions, set forth in the fifty-seventh chapter of the General Statutes, and in all

Corporators.

Name.

Powers and duties.

other laws of this Commonwealth that are now or may hereafter be in force, relating to institutions for savings.

Approved May 13, 1864.

Chap. 255

AN ACT in relation to The Union Society in East Bridgewater.

Be it enacted, &c., as follows :

Corporators.

Name.

Powers and duties.

Former organization and proceedings under same confirmed.

SECTION 1. George M. Keith, Clarkson W. Richards, Walter Severance, their associates and successors, are hereby incorporated as a parish or religious society, by the name of The Union Society in East Bridgewater, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the general laws, which are or may be in force, relating to such corporations.

SECTION 2. The organization of said society which was effected under the name of The Union Trinitarian Society of East and West Bridgewater, in the year eighteen hundred and twenty-six, and all its subsequent proceedings under and by virtue of such organization, as the same are now entered on the records of said society in the possession of E. E. Richards, the clerk thereof for the current year, with all its acts and doings, are hereby ratified and confirmed, as the records and acts of a duly and legally organized corporation.

SECTION 3. This act shall take effect upon its passage.

Approved May 13, 1864.

[1854, 451; 1856, 282; 1858, 96.]

Chap. 257

AN ACT relating to the Charles River and Warren Bridges Fund.

Be it enacted, &c., as follows :

Fund to be applied to pay debt and for repairs.

Certain receipts of money, draw-tenders to pay treasurer forthwith.

Repeal.

SECTION 1. The Charles River and Warren Bridges Fund, with all the accumulations thereof, shall be applied to the payment of obligations already incurred for the maintenance and repair of said bridges, and to their future maintenance and repair.

SECTION 2. Each of the draw-tenders for said bridges, upon the receipt of any money for rent or use of any building, privilege or property, or for the sale of any property belonging to said bridges or either of them, or for damage done to either of them or to any property thereto belonging, shall immediately pay over the same to the treasurer and receiver-general, and the same shall be added to the aforesaid fund.

SECTION 3. So much of the eleventh section of chapter ninety-six of the acts of the year one thousand eight hun-

dred and fifty-eight, as is inconsistent with this act is hereby repealed.

SECTION 4. This act shall take effect upon its passage.

Approved May 13, 1864.

[1865, 237; 1867, 66; 1868, 322.]

AN ACT to regulate Seining in the Harbor of Mattapoissett.

Chap. 259

Be it enacted, &c., as follows :

No person shall set, draw or use any seine or net in the harbor of Mattapoissett or the waters flowing into said harbor, within a line drawn from Strawberry Point, on the easterly side of said harbor, to the most southerly point of Mattapoissett Neck, on the westerly side of said harbor, without the permission of the selectmen of Mattapoissett; and any person offending against the provisions of this act, shall forfeit and pay the sum of twenty dollars for each offence, to be recovered by complaint before any trial justice, for the use of the complainant.

Seining forbidden except with permission of selectmen.

Penalty.

Approved May 13, 1864.

[1865, 183.]

[1864, 132.]

AN ACT to authorize the Town of Tolland to take Stock in the Pittsfield and New Haven Railroad Company.

Chap. 260

Be it enacted, &c., as follows :

SECTION 1. The town of Tolland is hereby authorized to subscribe for and hold shares in the capital stock of the Pittsfield and New Haven Railroad Company, to an amount not to exceed twenty-five thousand dollars, and to pay for the same out of the treasury of the town, and to hold the same as town property subject to the disposition of the town for public purposes, in like manner as other property which it may possess.

Tolland may take stock in P. & N. H. Railroad.

SECTION 2. The said town of Tolland is hereby authorized to raise, by issuing its bonds, or by loan or tax, any sums of money which shall be required to pay its instalments, or its subscriptions to said stock, and interest thereon.

May raise money by loan or tax.

SECTION 3. The said town of Tolland may appoint a committee, who shall subscribe in behalf of the town, for such number of shares in the capital stock of said company, as shall be voted by said town, and said committee are hereby authorized to cast the vote of said town, in the choice of directors of said road, at the first meeting of the stockholders thereof, called for that purpose, and thereafter the vote of said town in the choice of directors of said road shall be cast by the person or persons whom said town may appoint.

May appoint committee to subscribe for shares.

Vote in choice of directors.

Act to be submitted to voters of town.

SECTION 4. The authority granted in the first section of this act shall not vest in said town, unless at a legal town meeting called for that purpose, three-fourths of the voters present and voting thereon, shall vote to make said subscription; and the said vote shall be expressed by a written or printed ballot of *yea* or *nay*, and the check list shall be used as in the election of town officers. *Approved May 13, 1864.*

[1863, 172.]

Chap. 261 AN ACT authorizing the Extension of the Lowell Horse Railroad into Chelmsford and Dracut.

Be it enacted, &c., as follows :

May extend road to Chelmsford and Dracut.

SECTION 1. The Lowell Horse Railroad Company is hereby authorized to extend its railway, with convenient single or double tracks, into the towns of Chelmsford and Dracut, upon and over such streets and highways in said towns as shall, from time to time, be fixed and determined by the selectmen thereof with the assent in writing of the corporation filed with said selectmen.

May increase capital stock.

SECTION 2. Said corporation is hereby authorized, after it shall have constructed six miles of single-track railway, to increase its capital stock by adding thereto, for each additional mile thereafter built, an amount corresponding to the cost of such extension or extensions of its railway, not exceeding the rate of fifteen thousand dollars per mile for single track: *provided*, that the aggregate increase of capital stock hereby authorized shall not exceed one hundred thousand dollars.

Proviso.

Act, how limited.

SECTION 3. This act shall take effect upon its passage, and shall be limited by the provisions of section twelve of the act of the year eighteen hundred and sixty-four, entitled "An Act concerning street railway corporations."

Approved May 13, 1864.

Chap. 263 AN ACT to authorize the City of Roxbury to fill up the Dock at Roxbury Point.

Be it enacted, &c., as follows :

May fill dock at Roxbury Point.

SECTION 1. The city of Roxbury is hereby authorized to fill up with gravel or other suitable material, the dock situated in that part of said city known as Roxbury Point, and lying between the city wharf, so called, on the north-west and the wharf or land of the trustees of the Grammar School in the easterly part of the town of Roxbury on the south-east, and south-westerly of a straight line drawn from the north-easterly corner of said city wharf to the north-westerly corner of said wharf of said trustees.

SECTION 2. The rights of the respective owners and lessees of said dock, and of the wharves and lands adjacent thereto, as against each other, shall not be affected by the provisions of this act, nor shall the rights of any person be impaired thereby.

Certain rights
not to be
affected.

SECTION 3. This act shall take effect upon its passage.

Approved May 13, 1864.

[1862, 79.]

AN ACT relating to the East Boston Freight Railroad Company.

Chap. 264

Be it enacted, &c., as follows :

The East Boston Freight Railroad Company is hereby authorized to issue one hundred and forty thousand dollars of bonds secured by mortgage on any portion of railroad or other property to which they may have a legal title: *provided*, that nothing in this act contained shall be construed to prejudice, or affect the rights of any party or to ratify and confirm any acts of any parties in relation to the property now or formerly belonging to the Grand Junction Railroad and Depot Company.

May issue bonds
secured by mort-
gage.

Proviso.

Approved May 13, 1864.

[1866, 278.]

[1864, 75.]

AN ACT in addition to an Act to incorporate the Boston and Chelsea Railroad Company.

Chap. 266

Be it enacted, &c., as follows :

SECTION 1. So much of the act entitled an act to incorporate the Boston and Chelsea Railroad Company, passed in the year eighteen hundred and fifty-four, as provides that the rate of compensation for transporting persons or property shall not exceed five cents for each passenger, is hereby repealed: *provided*, that the rates of fare upon said railroad shall never exceed five cents for each passage, unless with the assent of the mayor and aldermen of the city of Chelsea.

Repeal of limita-
tion of rate of
fare.

Mayor and alder-
men of Chelsea
to approve any
increase.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1864.

[1867, 842; 1868, 335.]

[1838, 103; 1839, 71; 1846, 259; 1848, 65, 83.]

AN ACT to authorize the New Bedford and Taunton Railroad Corporation to extend its Track.

Chap. 267

Be it enacted, &c., as follows :

SECTION 1. The New Bedford and Taunton Railroad Corporation is hereby authorized to construct, maintain and operate a railway from a point on its road in the village of Fairhaven, commencing at a point on said road between Laurel and Fort Streets, thence curving in a south-westerly direction to Fort Street, thence southerly along said street

May extend road.

Location.

Proviso.

to the Rodman Wharf, so called, for the transportation of merchandise to and from said wharf: *provided*, said company shall not lay their rails along said street except with the consent of the selectmen of the town of Fairhaven and under their direction; and the use of said track shall be subject to all the laws which regulate the use of street railways.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1864.

[1866, 154; 1867, 74; 1868, 189.]

[Special Laws, vol. 2, p. 187.]

Chap. 268

AN ACT for supplying the City of Salem with Pure Water.

Be it enacted, &c., as follows:

City of Salem may take certain waters and water-rights in Wenham and Beverly.

Marginal and other lands.

May take certain waters and water-rights in South Danvers and Salem.

Land necessary for erection of dams, reservoirs, &c.

Franchise of Salem and Danvers aqueduct.

SECTION 1. The city of Salem, for the purpose of supplying the inhabitants thereof with pure water, is hereby authorized to take, hold and convey to, into and through said city, the waters of Wenham Pond, so called, in the towns of Wenham and Beverly, and the waters which flow into and from the same, and any water-rights connected therewith; and may take and hold, by purchase or otherwise, such land on and around the margin of said pond, not exceeding five rods in width, as may be necessary for the preservation and purity of said waters; and may also take and hold, in like manner, such lands as may be necessary for erecting and maintaining dams and reservoirs, and for laying and maintaining conduits, pipes, drains and other works, for collecting, conducting and distributing said waters through said city.

SECTION 2. Said city, for the purpose aforesaid, may take, hold and convey to, into and through said city, the waters of Brown's Pond and Mineral Spring Pond, so called, in the town of South Danvers and city of Salem, and the waters which flow into and from the same, and any other ponds, streams, fountains or springs within a distance of five rods from said Mineral Spring Pond, or upon the grounds of the proprietors of the Salem and Danvers aqueduct, and all water-rights connected therewith, and may take and hold, by purchase or otherwise, such land on and around the margin of the ponds and water-sources aforesaid, or not more than five hundred feet distant therefrom, as may be necessary for the preservation and purity of said waters; and may also take and hold, in like manner, such land as may be necessary for erecting and maintaining dams and reservoirs, and for laying and maintaining conduits, pipes, drains and other works, for collecting, conducting and distributing said waters through said city. If said city takes the ponds or other water-sources mentioned in this section,

it shall also take, by purchase or otherwise, all the franchise, rights and property of the proprietors of the Salem and Danvers aqueduct.

SECTION 3. The mayor of said city, within sixty days after the taking of any of the lands or water-sources aforesaid, shall file in the registry of deeds for the county of Essex, a description thereof, sufficiently accurate for indentifying the same.

Mayor shall file description of lands taken.

SECTION 4. Said city, for the purposes aforesaid, may build aqueducts from any of the aforesaid sources, and maintain the same by any works suitable therefor; may connect any or all of said sources with each other; may provide and maintain suitable machinery for raising the water above the source of supply; may erect such structures as are necessary for preserving the works; may erect and maintain dams; may make and maintain suitable reservoirs; may make and establish such public fountains and hydrants as are from time to time deemed proper, and may change or discontinue the same; may distribute the water throughout said city; may regulate the use of the water within and without said city, and establish the rates to be paid therefor. Said city may also, for the purposes aforesaid, carry its pipes and other works over or under any water-course, street, railroad, highway or other way, in such manner as not to obstruct the same; and may enter upon and dig up such road, street or way, for the purpose of laying down, maintaining and repairing its pipes and other works, and may do any other acts or things necessary and proper in executing the purposes of this act.

City may build and maintain aqueducts.

Dams, reservoirs, fountains and hydrants.

Distribution and use of waters.

Extension of pipes.

City may lay pipes in streets.

SECTION 5. If said city enters upon and digs up, for the purposes aforesaid, any road, street or way without its own limits, it shall do the same under the direction of the selectmen of the town in which such road, street or way is located, and shall restore such road, street or way to as good order and condition as it was in before such digging was commenced; and the work shall be done in such manner, and with such care, as not to render any road, street or way in which said pipes are laid, unsafe or unnecessarily inconvenient to the public travel thereon. Said city shall at all times save harmless and indemnify any town which is liable to keep in repair any road, street or way aforesaid, against all damages which may be recovered against it and shall re-imburse to it all expenses which it shall reasonably incur, by reason of any defect or want of repair in such road, street or way caused by the maintenance, repairing or replacing of said pipes, or by reason of any injury to persons or property

Streets taken up beyond limits of city.

Public safety and convenience assured.

Indemnity to towns.

Proviso. caused by any defect or want of repair in said pipes: *provided*, said city has notice of any claim or suit for such damage or injury, and an opportunity to assume the defence thereof.

Towns may require insertion of hydrants in streets taken up.

SECTION 6. Any town under whose roads, streets or ways, said city lays its aqueduct or main pipe, may require said city to insert therein proper hydrants, at points not less than five hundred feet apart, to be used for the purpose of extinguishing fires, and for no other purpose. The expense of inserting said hydrants and keeping the same in repair shall be paid by such town.

Expense.

City council shall appoint commissioners.

Duties of commissioners.

SECTION 7. Three commissioners shall be appointed by the city council, by joint ballot of both branches thereof, who shall, during their continuance in office, execute, superintend and direct the performance of all the works, matters and things mentioned in the preceding sections, which are not otherwise specifically provided for in this act; and shall be subject to such ordinances, rules and regulations, in the execution of their said trust, as the city council may from time to time ordain and establish, not inconsistent with the provisions of law. They shall respectively hold office for the term of three years next after their appointment, unless the works aforesaid are sooner completed, but they or either of them, after having had an opportunity to be heard in defence, may be removed at any time by a concurrent vote of two-thirds of each branch of the city council; and in case of a vacancy in the board of commissioners, by death, resignation or removal, such vacancy shall be filled by the appointment of another commissioner, who shall hold his office for the residue of the said term of three years, with all the powers and under all the restrictions aforesaid. A major part of said commissioners shall be a quorum for the exercise of the powers and the performance of the duties of the said office. They shall, once in six months, and whenever required by the city council, make and present in writing a particular report and statement of all their acts and proceedings, and of the condition and progress of the works aforesaid.

Terms of office.

Removal.

Vacancies.

Quorum.

Report to be semi-annual.

Salaries of commissioners.

SECTION 8. The city council, before the appointment of said commissioners, shall establish and fix the salaries or compensation to be paid them for their services, which shall not be reduced during their continuance respectively in said office.

Upon expiration of commission powers and duties to vest in city.

SECTION 9. Whenever the office of said commissioners shall cease, either by the expiration of said term of three years from the original appointment, or by the completion

of the works aforesaid, all the rights, powers and authority given to the city of Salem by this act, shall be exercised by said city, subject to all the duties, liabilities and restrictions herein contained, in such manner, and by such agents, officers and servants, as the city council shall, from time to time, ordain, appoint and direct.

SECTION 10. Said city shall be liable to pay all damages sustained by any persons or corporations, by the taking of any land, water, water-rights, franchises or property, or by the constructing of any aqueducts, reservoirs or other works, for the purposes aforesaid. If any person or corporation, sustaining damage as aforesaid, cannot agree with said commissioners upon the amount of said damages, he may have them assessed and paid in the same manner, as is provided by law, with respect to land taken for highways.

Liability of city
for land and
water damages.

How assessed and
paid in case of
disagreement.

SECTION 11. No application shall be made to the county commissioners for the assessment of damages for the taking of any water-rights, until the water is actually withdrawn or diverted by said city. Any person or corporation whose water-rights are thus taken or affected may apply as aforesaid at any time within one year from the time when the water is first actually withdrawn or diverted.

Applications for
assessments of
damages, when to
be made.

SECTION 12. For the purpose of defraying the cost of such franchises, property, lands, water and water-rights, as are taken, purchased or held, for the purposes aforesaid, and of constructing the works, necessary and proper, for the accomplishment of said purposes, and paying all expenses incident thereto, the city council shall have authority to issue scrip, bonds or certificates of debt, to be denominated on the face thereof, "City of Salem Water Loan," to an amount not exceeding in the whole, the sum of five hundred thousand dollars, bearing interest at a rate not exceeding six per cent. per annum, said interest to be payable semi-annually, and the principal to be payable at periods not more than fifty years from the time of issuing said scrip, notes, bonds or certificates respectively. Said city council may sell the same, or any part thereof, from time to time, or pledge the same for money borrowed for the purposes aforesaid; but the same shall not be sold or pledged at less than the par value thereof.

City may issue
water scrip.

Amount.

Interest.

May sell or
pledge.

SECTION 13. The city council shall establish such price or rents to be paid for the use of the water, as to provide annually, if practicable, from the net income and receipts therefor, for the payment of the interest, and not less than one per cent. of the principal of the "City of Salem Water Loan," and shall determine the manner of collecting the same. The

Water rates.

Sinking fund.	net surplus income and receipts, after deducting all expenses and charges of distribution, shall be set apart as a sinking fund, and applied solely to the payment of the principal and interest of said loan, until the same is fully paid and discharged.
Trustees of fund.	The mayor, city treasurer, and president of the common council, for the time being, shall be trustees of said fund, and shall, whenever required by the city council, render an account of all their doings in relation thereto.
Occupant of tenement liable for water rent.	SECTION 14. The occupant of any tenement shall be liable for the payment of the rent for the use of the water in such tenement; and the owner thereof shall be also liable, if on being notified of such use, he does not object thereto.
Owner's liability.	
Location of main pipe.	SECTION 15. If said city takes the water from the sources mentioned in the first section of this act, it shall lay its aqueduct or main pipe for conducting the same to said city, by some convenient route through the town of Beverly. The inhabitants of any town upon the line of the works authorized by this act, upon the application of its board of selectmen, shall be entitled to the reasonable use of the water, upon paying an equitable compensation therefor; which, in case of difference, shall be determined by three commissioners, to be appointed by the supreme judicial court, upon application of either party, and notice to the other; whose award when accepted by said court, shall be binding upon the parties for the term of five years.
Use of water by towns on line of works.	
Illegal use of water.	SECTION 16. If any person shall use any of the said water, either within or without said city, without the consent of said city, an action of tort may be maintained by said city for the recovery of the damage sustained: <i>provided</i> , that nothing herein contained shall be construed to prevent the abutters on Wenham Pond from entering thereon during the winter season, with men and horses and the proper implements, for the purpose of preparing, cutting and securing ice, in the manner heretofore practised; and <i>provided, also</i> , that if said city takes the water from the sources mentioned in the second section of this act, it shall allow to the owners and occupants of the manufacturing establishments on Goldthwait's Brook, in South Danvers, the same supply of water for manufacturing and other purposes from said sources which they now have; and the rights conferred on said city by this act, shall not be so exercised as to impair or injure the water-rights and privileges of the owners and occupants aforesaid, as the same now are and heretofore have been used and enjoyed.
Proviso.	
Penalty for malicious diversion or corruption of	SECTION 17. Whoever wantonly or maliciously diverts the water or any part thereof, of any of the ponds, springs,

streams or sources of water, taken or held by said city, pursuant to the provisions of this act, or corrupts the same, or renders it impure, or destroys or injures any dam, aqueduct, pipe, conduit, hydrant, machinery or other works or property, held, owned or used, by said city, under the authority and for the purposes of this act, shall forfeit and pay to said city, three times the amount of the damages assessed therefor, to be recovered in an action of tort; and on conviction of either of the wanton or malicious acts aforesaid, may also be punished by fine not exceeding three hundred dollars, or by imprisonment, not exceeding one year.

SECTION 18. Said city is hereby authorized to purchase all the franchise, rights and property of the proprietors of the Salem and Danvers aqueduct, and may, by any convenient mode, connect the sources and works so purchased with its other sources and works.

City may purchase and connect with Salem and Danvers aqueduct.

SECTION 19. This act shall be void, unless submitted to, and approved by, a majority of the voters of said city present and voting, at meetings held simultaneously for the purpose, in the several wards, on the first Monday of December next, upon notice duly given, at least seven days before the time of holding said meetings.

Act void unless approved by voters.

SECTION 20. The city council shall cause careful investigations to be made by skilled engineers, as to the capacity and sufficiency of the sources mentioned in the first and second sections of this act respectively; and shall by joint ballot, at least fourteen days before said first Monday of December, determine the source or sources, from which, in the event of the acceptance of this act, said city shall take the water; and shall, forthwith, notify the inhabitants of said city of its decision, by publication in the newspapers of said city. In the event of the acceptance of this act, said city shall take the water only from the sources so determined upon by the city council.

Capacity and sufficiency of water-sources to be tested.

Shall be determined by joint ballot of council.

SECTION 21. This act shall take effect upon its passage.

Approved May 13, 1864.

[1866, 258; 1867, 163, 187; 1868, 72, 302.]

[1846, 167; 1848, 33; 1849, 187; 1850, 316; 1851, 121; 1854, 353; 1858, 86; 1859, 184; 1861, 220.]

AN ACT in further addition to "An Act for Supplying the City of Boston with Pure Water." *Chap. 271*

Be it enacted, &c., as follows:

SECTION 1. The city of Boston, shall have the right to maintain its water pipes, as the same are now laid, in the milldam and other lands of the Commonwealth in and

City may maintain pipes on milldam and other lands.

Proviso.

near said city, subject to the provisions of this act: *provided*, that any person whose property is injured thereby, shall have his damages ascertained and paid in the manner provided in the several acts to which this is in addition ; and *provided, further*, that if, at any time hereafter, the legislature shall order a draw to be made through the said milldam, or other lands on the line of said pipes, for the purposes of navigation, the city of Boston shall so adapt its said pipes, at the locality of the draw, as not to interfere with a free passage of boats and vessels through such draw.

City may enter and dig up lands.

Proviso.

SECTION 2. Said city may enter upon and dig up the ground in said milldam and other lands, when necessary for the purpose of repairing or replacing said pipes: *provided, however*, that said milldam and lands shall be restored by said city to as good order and condition as the same are in before such digging is commenced ; and that the work shall be done, in such manner and with such care, as not to render any road, street or way, in which said pipes are laid, unsafe or unnecessarily inconvenient to the public travel thereon.

Indemnity to Commonwealth and towns from damage sustained by defects in highways.

SECTION 3. The city of Boston shall at all times save harmless and indemnify the Commonwealth, and any city or town which may become liable to keep in repair any road, street or way aforesaid, against all damages which may be recovered against them respectively, and shall re-imburse to them respectively all expenses which they shall reasonably incur by reason of any defect or want of repair in such road, street or way, caused by the maintenance, repairing or replacing of said pipes, or by reason of any injury to persons or property caused by any defect or want of repair in said pipes: *provided*, that said city shall have due and seasonable notice of all claims for such damages or injury, and opportunity to make a legal defence thereto.

Proviso.

SECTION 4. This act shall take effect upon its passage.

Approved May 13, 1864.

[1865, 131; 1867, 343.]

Chap. 272

AN ACT to incorporate the Grand Junction Wharf Company.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Franklin Haven, John M. Pinkerton, Caleb C. Gilbert, Ichabod Goodwin, William Brigham, their associates and successors, are hereby made a corporation by the name of the Grand Junction Wharf Company, with power to purchase and hold the whole or any part of the real estate, with the privileges and appurtenances thereto belonging, situated in East Boston, and lying southerly of the Eastern Railroad, south-westerly of Marginal Street, and northerly of

Name and purpose.

the estate formerly of Edwards, Holman and Company; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws which are or may be in force relating to such corporations.

Powers and duties.

SECTION 2. Said corporation may use, improve and manage the premises aforesaid; may erect warehouses and other buildings thereon, and contract with any person or corporation for depot and warehouse accommodations, and for the transportation of merchandise for storage and wharfage thereon; may mortgage, lease, sell and convey said premises, or any part thereof; may construct and maintain wharves and docks upon and adjacent to said premises, and lay vessels thereat, and receive wharfage and dockage therefor: *provided, however*, that nothing herein contained shall be deemed to authorize the building of any wharf or dock not now authorized by law.

Use and improvement of premises.

Depot and warehouses.

Wharves and docks.

Proviso.

SECTION 3. The capital stock of said corporation shall not exceed five hundred thousand dollars, and shall be divided into shares of one hundred dollars each. Said corporation may hold such real and personal property as may be necessary or convenient for the purposes set forth in this act.

Capital stock and shares.

Real and personal estate.

SECTION 4. Nothing in this act contained shall be so construed as to impair or affect the existing liabilities or remedies of any person or corporation. *Approved May 13, 1864.*

Act, how construed.

AN ACT to restrict the Seining of Fish in the Harbor of Marion.

Chap. 273

Be it enacted, &c., as follows:

SECTION 1. No person shall set, draw or use, any seine or net, for taking fish, in the harbor of Marion, or in the streams running into said harbor, within a line drawn from Charles Neck Point, on the westerly side of said harbor, to Great Neck Point, on the easterly side of said harbor, without the permission of the selectmen of Marion.

Seining forbidden except with consent of selectmen.

SECTION 2. Any person violating this act shall, on conviction, pay a fine of not less than twenty nor more than fifty dollars, to be recovered before any court competent to try the same, for the use of said town.

Penalty for violation.

SECTION 3. This act shall take effect upon its passage.

Approved May 13, 1864.

[1864, 86.]

AN ACT in further addition to "An Act to Establish the City of Newburyport."

Chap. 275

Be it enacted, &c., as follows:

Nothing contained in an act entitled "An Act in addition to an act to establish the city of Newburyport," passed in

Term of office of present aldermen not affected.

the year eighteen hundred and sixty-four, shall be so construed as to affect in any way the term of office of the present aldermen of said city. *Approved May 13, 1864.*

[1866, 175, 241; 1867, 179; 1868, 251.]

Chap 278 AN ACT to confirm certain Acts of John S. Hollingshead, as a Commissioner of Deeds.

Be it enacted, &c., as follows :

Acts done as
commissioner of
deeds confirmed.

SECTION 1. All acts done by John S. Hollingshead, in the District of Columbia, as a commissioner of deeds for the Commonwealth of Massachusetts in the district aforesaid, between the tenth day of March in the year one thousand eight hundred and sixty-two and the day of the passage of this act, shall be, and the same are hereby made valid and confirmed to the same extent as they would have been valid had he filed in the office of the secretary of the Commonwealth, an impression of his official seal and his oath of office and signature.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1864.

[1848, 32; 1849, 210; 1850, 305; 1851, 268, 287; 1852, 298; 1854, 346; 1856, 172; 1857, 13; 1862, 148.]

Chap. 281 AN ACT to establish the Salary of the Clerk of the Police Court of Worcester.

Be it enacted, &c., as follows :

Salary estab-
lished.

The annual salary of the clerk of the police court of Worcester shall be nine hundred dollars from and after the first day of April last.

Approved May 14, 1864.

[1868, 198.]

Chap. 283 AN ACT ceding Jurisdiction to the United States over certain Lands in Malden.

Be it enacted, &c., as follows :

Jurisdiction
ceded.

Location of
lands.

Consent to pur-
chase with cer-
tain restrictions.

SECTION 1. Jurisdiction is hereby granted and ceded to the United States of America over all that certain lot or tract of land, with the buildings thereon, situate in the town of Malden, in this Commonwealth, bounded westerly on Webster Street, southerly on land now or late of Webster and Company and of the Edgeworth Company, easterly on the Malden Canal, and northerly on Medford Street, containing about two hundred and eighty-five thousand square feet, more or less; and over a certain other strip of land, thirty feet wide by about three hundred feet long, extending from the above described parcel of land westerly to the Boston and Maine Railroad; and consent is hereby given to the purchase of the same for the United States for a naval and military ordnance yard and depot, but not to be used for the manufacture or storage of gunpowder, gun cotton, cart-

ridges, loaded shells, or any other similar explosive material, that may endanger the adjoining estates: *provided, always,* Proviso. that this Commonwealth shall retain and does retain concurrent jurisdiction with the United States in and over all the land aforesaid, so far as that all civil and all criminal processes, issuing under the authority of this Commonwealth, may be executed on said lands, and in any buildings thereon, or to be erected thereon, in the same way and manner as if jurisdiction had not been granted as aforesaid; and *provided,* that the exclusive jurisdiction shall revert to and revest in the Commonwealth of Massachusetts whenever the said land shall cease to be used for the sole purpose herein before declared; and *provided, also,* that the jurisdiction of the United States shall not include any part of the streets or canal on which the said lands are bounded, or any part of the river included in said premises, if the said streets or canal, or the said part of said river, are public highways.

SECTION 2. This act shall be void unless a suitable plan of the premises, or such portion or portions thereof as may be purchased by the United States, shall be made and filed by the United States, in the office of the secretary of this Commonwealth, within one year from the purchase of the land by the United States. Act void unless plan be filed with secretary.

SECTION 3. This act shall take effect from and after the purchase of such lands, or of any portion or portions thereof, by the United States, the evidence of such purchase being duly recorded in the registry of deeds for the county of Middlesex. Act, when in force.

Approved May 14, 1864.

[1861, 63; 1862, 32; 1863, 97.]

AN ACT in addition to an Act incorporating the Salem and South Danvers Railroad Company. **Chap. 284**

Be it enacted, &c., as follows:

SECTION 1. The Salem and South Danvers Railroad Company is hereby authorized to extend its railway with convenient single and double tracks from such point or points and on such streets and highways in the city of Salem as shall from time to time be fixed and determined by the board of aldermen of said city to the lines of the towns of Marblehead and Swampscott and thence into said towns, upon and over such streets and highways as shall from time to time be fixed and determined by the selectmen thereof: *provided, however,* that the tracks of said company shall be extended into said towns before the first of January in the year one thousand eight hundred and sixty-five. May extend road to Marblehead and Swampscott.

SECTION 2. Said corporation is further authorized to extend its railway with convenient single or double tracks Proviso. May extend road into Lynn.

from such point or points and over such streets and highways in the city of Salem and the town of South Danvers as shall from time to time be fixed and determined by the board of aldermen of said city and the selectmen of said town, respectively, to the line of the city of Lynn and thence into the city of Lynn, over such streets and highways as may from time to time be designated by the board of aldermen of said city and assented to in writing by the Lynn and Boston Railroad Company, filed with said board.

May extend road
in Danvers and
South Danvers.

SECTION 3. Said corporation is further authorized to extend its railway with convenient single or double tracks upon and over such streets and highways in the towns of Danvers and South Danvers, as may be from time to time fixed and determined by the selectmen thereof.

Act void unless
accepted, &c.

SECTION 4. Said corporation, as regards the extension hereby authorized, and the rights hereby granted, shall be subject to the provisions of all general laws which are or may be in force relating to street railway corporations; and this act shall be void unless the same is accepted as provided by law, in regard to acts incorporating street railway corporations.

May increase
capital stock.

SECTION 5. The said corporation is hereby authorized to increase its capital stock by adding thereto an amount corresponding to the cost of such extension or extensions not exceeding the rate of fifteen thousand dollars per mile for single track including paving: *provided*, that the aggregate increase of capital stock hereby authorized shall be limited to two hundred and fifty thousand dollars.

Proviso.

SECTION 6. This act shall take effect upon its passage.

Approved May 14, 1864.

[1865, 118, 201; 1867, 6.]

Chap. 285 AN ACT to incorporate the Eastern Marine Railway Company in Provincetown.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Epaphras K. Cook, Ephraim Cook, Ebenezer Cook, their associates and successors, are hereby made a corporation, in the town of Provincetown, by the name of the Eastern Marine Railway Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the general laws, which are or may be in force relating to such corporations.

Name.

Powers and du-
ties.

May build and
maintain marine
railway in Prov-
incetown.

SECTION 2. Said corporation is hereby authorized to build and maintain a marine railway in the harbor of said town of Provincetown, at the wharf of E. and E. K. Cook, in said town, and to extend the same into said harbor, a

distance of not more than one hundred feet below low-water mark: *provided, however*, that nothing in this act contained shall be so construed as to impair the legal rights of any person or corporation. Proviso.

SECTION 3. The capital stock of said corporation shall not exceed ten thousand dollars, and shall be divided into shares of one hundred dollars each. Capital stock and shares.

SECTION 4. This act shall take effect upon its passage.

Approved May 14, 1864.

[1841, 19.]

AN ACT in addition to an Act to incorporate the Stockbridge Iron Company. Chap. 291

Be it enacted, &c., as follows:

SECTION 1. The Stockbridge Iron Company, a corporation established in this Commonwealth, is authorized to mine ore for manufacture or sale, on any land owned by said corporation, or on which it has or may acquire an interest, and may dispose of such lands or any mining rights of said corporation therein, by sale, lease or otherwise. Mining operations authorized.

SECTION 2. The said corporation is also authorized to establish works for the manufacture of iron or steel at any such place or places, in the county of Berkshire, or on the banks of the Hudson River as the stockholders may elect and determine. May establish iron works.

SECTION 3. This act shall take effect upon its passage.

Approved May 14, 1864.

[1864, 47.]

AN ACT in further addition to an Act to provide for the Payment of Bounties to Volunteers, and for other Purposes. Chap. 292

Be it enacted, &c., as follows:

SECTION 1. The governor is authorized in his discretion to continue to accept or raise volunteers for this Commonwealth, in advance of any future calls by the president of the United States, and to offer and pay bounties, not exceeding those now provided by law, to such volunteers, and to expend such sums as he may find necessary and proper, in the payment of transportation and other expenses incident to the work of recruitment, not exceeding the rate of twenty-five dollars for each person recruited and mustered into the service of the United States. Governor may continue bounties in anticipation of calls.

SECTION 2. All laws relating to the mode of payment of bounties to volunteers and to the allotment of such bounties, shall apply to the bounties of persons volunteering under this act. Recruiting expenses.

SECTION 3. This act shall take effect upon its passage.

Approved May 14, 1864.

[1866, 172, 282; 1867, 136; 1868, 107, 115.]

[1857, 18.]

Chap. 295

AN ACT in addition to an Act to Establish the City of Chelsea.
Be it enacted, &c., as follows :

School committee.

SECTION 1. The mayor and president of the common council of the city of Chelsea shall be *ex officio* members of the school committee.

Vacancies, how filled.

SECTION 2. Vacancies in the school committee shall be filled by the board of aldermen and the school committee acting in convention.

Overseers of poor.

SECTION 3. Vacancies in the overseers of the poor shall be filled by the city council.

When to take effect.

SECTION 4. This act shall be void unless accepted by the city council of Chelsea within three months from its passage.

Approved May 14, 1864.

[1865, 143.]

[1864, 148.]

Chap. 297

AN ACT in addition to an Act to incorporate the Melrose and South Reading Horse Railroad Company.

Be it enacted, &c., as follows :

May sell or lease franchise and property.

SECTION 1. The Melrose and South Reading Horse Railroad Company is hereby authorized to sell or lease all its rights, franchise and property to any other similar corporation, and any other similar corporation is hereby authorized to purchase or lease all the rights, franchise and property of the said Melrose and South Reading Horse Railroad Company : *provided*, that such sale or lease shall be approved by two-thirds of the stockholders of each corporation respectively present and voting at meetings called for that purpose ; and any corporation so purchasing or leasing, shall hold, possess and enjoy all the powers, privileges, rights, franchise, property and estates which at the time of such purchase or lease were held and enjoyed by the two corporations respectively, and shall be subject to all the duties, restrictions, obligations and liabilities to which they were severally subject.

Proviso.

Time for locating road extended.

SECTION 2. The time allowed the Melrose and South Reading Horse Railroad Company for the location and construction of its road is hereby extended two years.

SECTION 3. This act shall take effect upon its passage.

Approved May 14, 1864.

[1865, 139; 1867, 273; 1868, 273.]

Chap. 305

AN ACT concerning Dogs owned in Gay Head.

Be it enacted, &c., as follows :

Act of '64 to apply to district of Gay Head.

All the provisions of the act of the year one thousand eight hundred and sixty-four entitled " An Act concerning

dogs and for the protection of sheep and other domestic animals," shall apply to the district of Gay Head. And said district shall, so far as relates to the provisions of said act, be deemed a part of the town of Chilmark.

Approved May 14, 1864.

[1864, 178.]

AN ACT requiring the Construction of a Draw in the Bridge built by the Fall River and Warren Railroad Company over Coles River. **Chap. 309**

Be it enacted, &c., as follows:

SECTION 1. If the Fall River and Warren Railroad Company build a bridge over Coles River in Swanzey, said bridge shall be constructed with a draw over the channel of said river at least thirty feet wide, and the said railroad company shall be held liable to keep said draw in good repair, and to open the same when required so as to afford all reasonable and proper accommodation for vessels having occasion to pass through the same.

Construction required in case bridge is built.

Company to keep in repair and have tender.

SECTION 2. This act shall take effect upon its passage.

Approved May 14, 1864.

[1865, 51, 71.]

[1837, 229; 1840, 85; 1841, 60; 1847, 234, 278; 1848, 314; 1849, 204; 1850, 216, 317; 1851, 254; 1853, 385; 1855, 310; 1856, 293, 297, 301; 1860, 176, 205.]

AN ACT to change certain Harbor Lines in the South Bay and Fort Point Channel. **Chap. 310**

Be it enacted, &c., as follows:

SECTION 1. The second section of the thirty-fifth chapter of the acts of the year eighteen hundred and forty, is hereby amended by striking out all after the words "to the east end of the same," near the end of said section, and substituting the following, viz.: The said line then extends two hundred fifty-six feet straight, so as to form an angle with said bridge of seventy-five degrees; thence on an arc of a circle of six hundred feet radius, a distance of five hundred feet, to a point three hundred and eighteen feet from and perpendicular to the west side of Mount Washington Avenue; thence in a straight line and tangent to said arc, in a northerly direction, in such position, that if continued straight, it shall not approach within six hundred feet of Arch Wharf.

Act of 1840, ch. 85, amended.

Line established.

SECTION 2. The fourth section of the two hundred seventy-eighth chapter of the acts of the year eighteen hundred forty-seven is hereby amended by striking out so much of said section as relates to the "eleventh line," and substituting the following, viz.: The eleventh line is on the westerly side of the channel and is drawn from the southerly corner of Miller and Nason's wharf, southerly in a direction at right angles with the south bridge across the same, to a

Act of 1847, ch. 278, amended.

Line established.

point eighteen hundred and twenty feet distant therefrom; thence on an arc of a circle of seventeen hundred feet radius, a distance of eight hundred feet, to a point in the twelfth line, and tangent thereto.

Act of 1856, ch.
293, § 2 repealed.

Lines in South
Bay established.

SECTION 3. The second section of the two hundred ninety-third chapter of the acts of the year eighteen hundred fifty-six is hereby repealed, and the following is substituted therefor, viz.: The lines in South Bay commence at the mouth of the Roxbury canal in the town of Roxbury, at the north-westerly corner of the stone wall, thence running easterly on an arc of a circle of seventeen hundred feet radius a distance of one hundred and sixty feet to a point one hundred and thirty-one feet distant from the terminus of the "twelfth line," as described in the fourth section of the two hundred seventy-eighth chapter of the acts of the year eighteen hundred forty-seven, and perpendicular thereto; thence easterly, on an arc of a circle of seventeen hundred feet radius, a distance of sixteen hundred and fifty-two feet, to the most north-easterly corner of Heath and Company's wharf; thence along the present line of said wharf, to the most south-easterly corner of the same; thence seven hundred and seven feet in the direction of a line drawn from the last-mentioned corner, to a point on the south-easterly rail of the Boston, Hartford and Erie Railroad bridge, which point is distant forty-nine hundred and eighty-seven feet south-westerly from the south-westerly rail of the Old Colony Railroad bridge, measuring on the said south-easterly rail; thence on an arc of a circle of six hundred feet radius, a distance of eighteen hundred and eighty-four feet, to a point eleven hundred and thirty-two feet distant from the westerly side of Dorchester Turnpike and perpendicular thereto, and at a point five hundred and twenty feet southerly from the intersection of the westerly side of Dorchester Turnpike and the westerly side of Dorchester Street; thence in a straight line to the southerly terminus of the "tenth line," as described in the fourth section of the two hundred seventy-eighth chapter of the acts of the year eighteen hundred forty-seven.

Plan of harbor
commissioners.

SECTION 4. The lines established by this act, so far as they vary from existing lines, are indicated by red lines upon plan C, annexed to the report of the commissioners on harbors and flats, made the present session and printed in senate document number one hundred and twenty-five.

Boston, Hartford
and Erie Rail-
road, how to be
built.

SECTION 5. So much of the railroad of the Boston, Hartford and Erie Railroad Company as is located outside of the harbor lines established by law in the South Bay and so



much thereof as is located upon the South Boston flats inside the commissioners' lines of solid filling, shall be constructed upon solid filling, or upon piles, as shall be determined by the governor and council.

SECTION 6. The provisions of the sixth, seventh and ninth sections of the two hundred ninety-third chapter of the acts of the year eighteen hundred fifty-six, shall apply to the lines established by this act. Act of 1856, ch. 298 to apply.

SECTION 7. Nothing contained in this act shall affect or take away the legal rights of any person or corporation unless a reasonable compensation shall have been previously made or provided therefor. Act not to affect legal rights.

Approved May 14, 1864.

[1864, 315; 1868, 326.]

[1863, 254.]

AN ACT to establish the Massachusetts Bounty Fund, and to Create a Sinking Fund for its Redemption. **Chap. 313**

Be it enacted, &c., as follows :

SECTION 1. For the purpose of meeting the expenses already incurred and to be incurred, under chapter two hundred and fifty-four of the acts of the year eighteen hundred and sixty-three, and under any other law authorizing the payment of bounties to Massachusetts soldiers or sailors, there shall be created a fund to be called the Massachusetts Bounty Fund; and the treasurer of the Commonwealth is hereby authorized to issue scrip or certificates of debt, in the name and on behalf of the Commonwealth, and under his signature and the seal of the Commonwealth, to an amount not exceeding ten millions of dollars; and the proceeds of such scrip so issued, shall be passed to the credit of said Massachusetts Bounty Fund, and the same is hereby appropriated for the purpose of paying all liabilities incurred, or to be incurred, on account of such bounties. Bounty fund authorized.

Treasurer may issue scrip.

Proceeds to be credited fund and appropriated.

SECTION 2. Such scrip or certificates of debt, shall bear interest not exceeding five per cent. per annum, payable semi-annually in gold, on the first days of May and November, in each year, and shall be sold and disposed of at public auction, or in such other mode, and at such times, and in such pieces and amounts, as the governor and council shall deem for the best interest of the Commonwealth. Such scrip or certificates of debt shall be redeemable in gold in not less than twenty nor more than thirty years from date, and the same shall be countersigned by the governor and shall be deemed a pledge of the faith and credit of the Commonwealth. Certificates to be sold and bear interest due semi-annually in gold.

Scrip to be redeemed with gold in 20-30 years.

Establishment of sinking fund for redemption, viz.: dividends Western Railroad stock, receipts Back Bay and other lands.

Deficiency, if any, to be raised by tax, to aggregate of three per cent. of issue.

Proviso.

Sums raised and accumulations to be held as fund for redemption.

SECTION 3. For the payment of the scrip or certificates of debt issued under authority of this act, a sinking fund is hereby established, to be composed as follows: first, of all dividends which may be received upon the seven thousand seven hundred and sixteen shares now held by the Commonwealth in the Western Railroad, and in case said shares should at any time be sold to meet the payments of the debts for which they are pledged to the Debt Extinguishment Fund, then the excess of proceeds above the amount necessary for said liquidation shall constitute a part of this fund; second, of all the receipts from the sales of the Back Bay lands, less the expenses of commissioners and of filling and preparing the lands for sale, and including the portion now by law payable to the Massachusetts School Fund, as soon as said school fund shall have reached the amount of two millions of dollars, and also all net receipts not already appropriated for specific purposes, from sales of other public lands; third, if the receipts from these sources do not in any fiscal year, amount to a sum equal to three per cent. of the total amount of scrip or certificates of debt issued under authority of this act, then there shall be raised by taxation, in the following year, a sum equal to the difference between the amount of said receipts and three per cent. of the scrip or certificates of debt issued as aforesaid: *provided*, that said tax may be omitted after the fund hereby created shall have amounted to a sum, which with its accumulations of interest, will be sufficient to pay the scrip at maturity. And the sum so raised from year to year, together with its accumulations of interest, shall be pledged and held as the sinking fund hereby established, to be invested, as is now or may be provided by law for the investment of trust funds, and used for the redemption and payment of said scrip or certificates of debt.

SECTION 4. This act shall take effect upon its passage.

Approved May 14, 1864.

[1864, 310.]

Chap. 315 AN ACT for the Protection of the Outer Harbor of the City of Boston. *Be it enacted, &c., as follows:*

City may raise \$150,000 for sea-walls, &c., on islands in harbor.

SECTION 1. The city of Boston is hereby authorized to raise, by taxation or otherwise, a sum not exceeding one hundred and fifty thousand dollars, and expend the same in the construction of sea-walls and other necessary works on Great Brewster Island, Gallop's Island and Deer Island in Boston Harbor, in order to protect said islands against the action of the sea and prevent further injury to said harbor

by the washing thereinto of the earth from said islands.

The plans for the construction of said works shall be submitted to and approved by the governor and council, before the same are commenced.

Plan approved by
governor and
council.

SECTION 2. The amount expended by said city in accordance with the provisions of this act shall be re-imbursed to it from the first net proceeds or receipts from sales of the flats belonging to the Commonwealth in said harbor, not already appropriated for specific purposes.

Amount expended,
how re-imbursed to city.

SECTION 3. This act shall take effect upon its passage.

Approved May 14, 1864.

[1868, 326.]

CHANGE OF NAMES OF PERSONS.

[In compliance with the 14th section of the 110th chapter of the General Statutes, returns of the following changes of names have been received at the Secretary's Department, as decreed by the several Judges of the Probate Courts, for their respective Counties.]

SUFFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1863.			
January 26,	Sylvia Dana Eaton, . . .	Grace Dana Homer, . . .	Boston.
February 16,	Bridget Ann O'Brien, . . .	Bridget Ann Kehoe, . . .	Boston.
March 9,	Mary Josephine Pearsons, . . .	Mary Josephine Thomas, . . .	Boston.
" 16,	Maria J. Harris, . . .	Edith Jane Chase, . . .	Boston.
April 6,	Eliot Guild, . . .	Samuel Eliot Guild, . . .	Boston.
" 18,	Georgianna Marion Watson, . . .	Georgianna Marion Thompson, . . .	Boston.
" 27,	George Winfield Young, . . .	George Winfield Siegrist, . . .	Boston.
" 27,	Leander Sebastian Streeter, . . .	Lee Streeter, . . .	Boston.
May 11,	Carrie Louisa Marshall, . . .	Carrie Louisa Pycott, . . .	Boston.
June 8,	John Josepha, . . .	John Cooper, . . .	Boston.
" 22,	Elena Hatch Keenan, . . .	Harriet Maria Johnson, . . .	Boston.

June 29, .	John Henry Burbeck, .	.	.	Francis Herbert Short, .	.	Boston.
August 10, .	Fanny Lincoln, .	.	.	Fanny Lincoln Bowdlear, .	.	Boston.
November 30, .	Catharine Fitzgibbon, .	.	.	Catharine Sullivan, .	.	Boston.
December 14, .	Chas. Augustus Ferdin'd Weuskowsky, .	.	.	Charles Ferdinand Bowers, .	.	Chelsea.
" 14, .	Sarah Weuskowsky, .	.	.	Sarah Bowers, .	.	Chelsea.
" 14, .	Caroline Louisa Weuskowsky, .	.	.	Caroline Louisa Bowers, .	.	Chelsea.

ESSEX COUNTY.

January 6, .	Hattie Newell Card, .	.	.	Hattie Newell Sanborn, .	.	Groveland.
February 3, .	— Decatur, .	.	.	Clara W. Carey, .	.	Lynn.
March 17, .	Eddie Higgins, .	.	.	Edward D. Smith, .	.	Danvers.
April 7, .	Susan Davis, .	.	.	Susan Eliza Meader, .	.	Newburyport.
" 7, .	Martha Goodwin, .	.	.	Ellen Buffinton Kehew, .	.	Salem.
May 5, .	Charles Edward Wilson, .	.	.	Charles Edward Burrill, .	.	Swampscott.
September 8, .	Ida Watts, .	.	.	Mary Ida Waterhouse Smith, .	.	Andover.
October 6, .	Ruth N. Leavitt, .	.	.	Lizzie Leavitt Main, .	.	Marblehead.
" 6, .	Eliza Gilbert Pearce, .	.	.	Eliza Pearce Peabody, .	.	South Danvers.
November 3, .	John Mowry, .	.	.	John Welsh, .	.	Amesbury.

MIDDLESEX COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1863.			
March 24, . . .	Charles Callahan, . . .	Charles Edwards Hall, . .	Somerville.
April 14, . . .	Mary Frances Brigham, . .	Mary Frances Barnard, . .	Marlborough.
" 14, . . .	Francis E. Symmes, . . .	Francis Edward Clark, . .	Newton.
June 9, . . .	Lucy Angelia Law, . . .	Lucy Angelia Stone, . .	Frammingham.
" 9, . . .	Nancy M. Conant, . . .	Annie M. Conant, . .	Stow.
" 9, . . .	Louise Prentiss Warren, . .	Helen Talcott Warren, . .	Charlestown.
September 1, . .	William Henry Clough, . .	William Henry Peabody, . .	Dracut.
" 1, . . .	Martin Peabody Clough, . .	Martin Peabody, . .	Dracut.
January 27, . .	Sylvanus Judkins,* . . .	Danforth E. Newcomb, . .	Medford.
February 3, . .	Marietta Montgomery,* . .	Marietta Sherman, . .	Lowell.
" 10, . . .	Lillie Catharine Shattuck,* .	Lillie Catharine Bass, . .	Lowell.
" 10, . . .	Mary Ellen Copperthorn,* .	Minnie Treat Allen, . .	Newton.
" 24, . . .	Mary Ann Lindsay,* . . .	Mary Lindsay Patten, . .	Billerica.
March 10, . . .	Angelina Gibson,* . . .	Annie Proctor Weston, . .	Cambridge.
" 10, . . .	John A. Gibson,* . . .	Edward Henry Weston, . .	Cambridge.
" 10, . . .	Mary Ella Huntress,* . . .	Mary Ella Fall, . .	Malden.
" 24, . . .	Jennie Paul,* . . .	Jennie Laura Hardy, . .	Natick.

April 28,	Jennie Elliot Coolidge,*	Jennie Elliot Coting,	Marlborough.
May 26,	A minor without name,	Clara Frances Woods,	Shirley.
" 26,	Marble Jennie Adams,*	Elizabeth Ann Robertson,	Lowell.
June 2,	Annie Little Eaton,*	Annie Little Emerson,	Lowell.
" 9,	Charles Laush,*	Charles Wilde,	Malden.
" 23,	Florence Evalina Mead,*	Minnie Ferris Cottle,	Belmont.
August 11,	William Turner,*	William Turner Maxwell,	Ashby.
September 1,	Alice Severns,*	Alice Parker,	Lowell.
" 8,	Cornelius Beeden,*	Cornelius Kain,	Brighton.
" 22,	Emma Esther Withy,*	Rosa Emma Stinehart,	Weston.
October 27,.	John Henry Moore,*	John Henry Shorey,	Cambridge.
November 24,	Adie Foster,*	Adie Florence Putnam,	Charlestown.
December 8,	Susan Elizabeth Kidder,*	Susie Belle Bemis,	Waltham.

* Minor, name changed by reason of adoption.

WORCESTER COUNTY.

January 6,	Francis Walter Haynes,	Charles Francis Wight,	Hopkinton.
April 7,	Amelia Andi Mahan,	Caroline Amelia Burbank,	Worcester.
" 7,	Luke Cram,.	Luke Remington,.	Fitchburg.

WORCESTER COUNTY—Continued.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1863.			
April 7, . . .	Sarah Abigail Cram, . . .	Sarah Abigail Remington, . . .	Fitchburg.
" 7, . . .	Charles Ansel Cram, . . .	Charles Ansel Remington, . . .	Fitchburg.
" 7, . . .	George Luke Cram, . . .	George Luke Remington, . . .	Fitchburg.
" 7, . . .	Walter Davis Cram, . . .	Walter Davis Remington, . . .	Fitchburg.
May 20, . . .	Fannie L. Taylor, . . .	Fannie Taylor Stratton, . . .	Athol.
July 7, . . .	Margaret Elizabeth Rogers, . . .	Helen Henrietta Davis, . . .	Templeton.
September 1, . . .	Charles E. Sawyer, . . .	Charles Sawyer Barrows, . . .	Worcester.
October 20, . . .	Louisa Gaede, . . .	Paulina Kencher, . . .	Clinton.
December 1, . . .	Hannah Flora May Gill, . . .	Flora May Jones, . . .	Worcester.

HAMPSHIRE COUNTY.

January 6, . . .	Nellie Parsons, . . .	Nellie Parsons Bray, . . .	Northampton.
" 6, . . .	Robert Brennan, . . .	Clarence Dewey Ogden, . . .	Northampton.
" 18, . . .	Delilah Nichols, . . .	Ida Frances Arnold, . . .	Pelham.
" 13, . . .	Mary Ann Devine, . . .	Mary Ann Rigley, . . .	Amherst.
April 7, . . .	Freddie Stanley, . . .	Freddie Sawyer, . . .	South Hadley.

July 7, . . .	Julia Almeda Newman,	. . .	Julia Almeda Newman Dickinson,	. . .	Hatfield.
October 6, . . .	Helen M. Upton, . . .	. . .	Helen M. Taylor, . . .	. . .	Amherst.
November 3, . . .	Mary Campbell, . . .	. . .	Nellie M. Thayer, . . .	. . .	Williamsburg.
" 3, . . .	Mully Flanagan, . . .	. . .	Henry Clinton Frissel, . . .	. . .	Northampton.

HAMPDEN COUNTY.

January 6, . . .	Ella Dora Young,* . . .	. . .	Ella Dora Bartlett, . . .	. . .	Springfield.
April 28, . . .	Lydia Jane Bishop,* . . .	. . .	Jennie Elva Palmer, . . .	. . .	Palmer.
September 22, . . .	Lewis P. Knight,* . . .	. . .	Lewis P. Watson, . . .	. . .	Holyoke.
November 4, . . .	Corinna Josephine Davidson,* . . .	. . .	Corinna Josephine Chase, . . .	. . .	Springfield.
" 4, . . .	Ada Clark,* . . .	. . .	Ada Chase, . . .	. . .	Springfield.
December, 1 . . .	Jason C. Case,* . . .	. . .	Jason C. Hathaway, . . .	. . .	Chicopee.
" 1, . . .	Elnora Violetta Thayer,* . . .	. . .	Ella Viola Comins, . . .	. . .	Palmer.
February 3, . . .	Jason Theodore Morse,† . . .	. . .	Jason Morse, . . .	. . .	Brimfield.
" 3, . . .	Jane M. Hosley,† . . .	. . .	Jane M. Phelps, . . .	. . .	Springfield.
" 3, . . .	Joel N. Clark,† . . .	. . .	Joel Norton, . . .	. . .	Blandford.

* Name changed by reason of adoption.
† Decree has been made for change of name, but notice of decree not having been yet proved, no certificate has been issued.

FRANKLIN COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1863.			
February 10,	George Hall,	George Hall Baker,	Hawley.
May 26,	Stillman Clark Turner,	Stillman Clark Carter,	Hawley.
August 4,	Abbie Maria Kenney,	Abbie Maria Jones,	Deerfield.
" 4,	Nancy Ellen Death,	Ellen Anderson,	Montague.
" 4,	Name not known,*	Willie Bush,	Greenfield.
September 1,	Emma Boswell,	Emma Melinda Bardwell,	Shelburne.
October 27,	Mary Elizabeth Clark,	Mary Elizabeth Sanderson,	Whately.

* Minor child from State Almshouse.

BERKSHIRE COUNTY.

June 2,	Alice Johnson,	Alice Hannah Bacon,	Adams.
July 22,	Willie Gilbert,	Willie Thomas Comstock,	Great Barrington.

NORFOLK COUNTY.

January 17,	Nancy Gordon,	Nancy Maria Dow,	Quincy.
March 28,	Anna Cora Bower,	Anna Bower Hibbard,	Boxbury.

April 4,	.	.	Elizabeth F. Wilbur,	.	.	Elizabeth F. Grover,	.	.	Foxborough.
" 7,	.	.	Jennie Brown,	.	.	Florence Evelyln Snell,	.	.	Dedham.
August 15,	.	.	Henry Packard,	.	.	Henry Thomas Packard,	.	.	Quincy.
September 1,	.	.	Clarence B. Clark,	.	.	George W. Wilcox,	.	.	Wrentham.

BRISTOL COUNTY.

January 2,	.	.	John B. Vandenhough,	.	.	John Bowers,	.	.	Somerset.
" 2,	.	.	William Lyman Vandenhough,	.	.	William Lyman Bowers,	.	.	Somerset.
February 6,	.	.	Emma S. Upham,	.	.	Emma S. Monroe,	.	.	New Bedford.
" 6,	.	.	Emma Peyser,	.	.	Emma Peyser Hyman,	.	.	New Bedford.
June 5,	.	.	James L. S. Russell,	.	.	James Russell Tracy,	.	.	Raynham.
July 10,	.	.	Adeline F. Cole,	.	.	Adeline F. Slade,	.	.	New Bedford.
August 21,	.	.	George Heighlinta,	.	.	George Haworth,	.	.	Taunton.
November 6,	.	.	Mary Ellen McKim,	.	.	Nellie Delano,	.	.	New Bedford.
December 4,	.	.	Mabel Alice Hall,	.	.	Annie Mabel Maxham,	.	.	Taunton.

1865.

[1847, 269; 1848, 143; 1851, 123; 1852, 178, 251; 1853, 185; 1856, 243; 1857, 102; 1859, 12; 1860, 42; 1861, 57, 202; 1862, 124.]

AN ACT to extend the Time for Locating and Constructing the Agricultural Branch Railroad, and to authorize a change of Location. *Chap. 2.*

Be it enacted, &c., as follows:

SECTION 1. The time for locating and constructing the Agricultural Branch Railroad is hereby extended three years from the first day of July next. *Time for location and construction extended.*

SECTION 2. The said railroad company is hereby authorized to change the location of its railroad in the towns of Clinton and Berlin, so as to pass through the southerly corner of the town of Bolton, and to file a new location of the second and third sections of said road, extending from the line of the town of Northborough to the Fitchburg and Worcester Railroad in the town of Sterling. *May change location.*

SECTION 3. The said company is also authorized to locate and construct a new track outside of their present location, near the northerly line of the town of Southborough, not exceeding two hundred rods in length. *May construct additional track.*

SECTION 4. This act shall take effect upon its passage.

Approved February 3, 1865.

[1865, 170; 1867, 83, 153.]

[1860, 18; 1863, 23.]

AN ACT to extend the Time for Locating and Constructing the North Attleborough Branch Railroad. *Chap. 3.*

Be it enacted, &c., as follows:

The time for locating and constructing the North Attleborough Branch Railroad is hereby extended to the first day of May, in the year eighteen hundred and sixty-seven. *Time for location and construction extended.*

Approved February 3, 1865.

[1867, 171.]

AN ACT to incorporate the Proprietors of Lyceum Hall, in Andover. *Chap. 4.*

Be it enacted, &c., as follows:

SECTION 1. James M. Fessenden, Alpheus B. Southwick, James W. Dearborn, their associates and successors, are hereby made a corporation, by the name of The Proprietors of the Lyceum Hall, for the purpose of erecting a building in Andover, and maintaining the same for the accommoda- *Corporators.*
Name and purpose.

Powers and
duties.

tion and purposes of a lyceum hall, lectures, and any other lawful purpose; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which are or may be in force, so far as applicable to said corporation.

Capital stock and
shares.

SECTION 2. Said corporation shall have a capital stock of twelve thousand dollars, divided into shares of one hundred dollars each, and may hold, for the purposes aforesaid, real and personal estate not exceeding the amount of the capital stock.

Real and personal
estate.

Approved February 3, 1865.

Chap. 5.

AN ACT to authorize George H. Rogers to build Wharves in Gloucester.
Be it enacted, &c., as follows:

May build
wharves in
Gloucester.

SECTION 1. George H. Rogers is hereby authorized to build and maintain a wharf in front of his land at Clay Cove, in the harbor of Gloucester, not exceeding four hundred feet from the upland; also to build and maintain a wharf at Cripple Cove, in said harbor, not to extend beyond the adjoining wharf of Epes Sayward; said Rogers is also authorized to rebuild and extend his wharf in the harbor of Gloucester, known as Gaffney's Wharf, to a point within fifty feet from the end of the next wharf easterly, known as Steele's Wharf: *provided*, that neither of said wharves shall extend beyond the harbor line in said Gloucester, to be hereafter established by law.

May re-build
wharf.

Proviso.

Wharfage and
dockage.

SECTION 2. Said George H. Rogers and his assigns may lay vessels at said wharves, and receive wharfage and dockage therefor.

SECTION 3. This act shall not impair the legal rights of any person.

Approved February 3, 1865.

[1866, 145.]

[1833, 73; 1842, 32; 1854, 27.]

Chap. 6.

AN ACT to authorize the Suffolk Savings Bank for Seamen and others to hold Real Estate.

Be it enacted, &c., as follows:

May hold
\$150,000 in real
estate for bank-
ing house.

SECTION 1. The Suffolk Savings Bank, for seamen and others, is hereby authorized to hold real estate in the city of Boston, to an amount not exceeding one hundred and fifty thousand dollars: *provided*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site and the erection or preparation of a suitable building, to be used for banking purposes; and any income arising from such real estate shall be devoted exclusively to the interests of said corporation.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1865.

AN ACT to incorporate the Union Institution for Savings in the City of *Chap. 9.*
Boston.

Be it enacted, &c., as follows :

SECTION 1. Moses B. Williams, Patrick Donahoe, John C. *Corporators.*
Crowley, their associates and successors, are hereby made a
corporation by the name of the Union Institution for Savings *Name.*
in the City of Boston, with all the powers and privileges, and
subject to all the duties, liabilities and restrictions set forth *Powers and*
in all general laws that now are or may hereafter be in force *duties.*
relating to institutions for savings.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1865.

AN ACT to incorporate the National Sailors' Home.

Chap. 12.

Be it enacted, &c., as follows :

George B. Upton, Alexander H. Rice, James L. Little, *Corporators.*
their associates and successors, are hereby made a corpora-
tion by the name of the National Sailors' Home, for the *Name and pur-*
purpose of establishing and maintaining in this Common- *pose.*
wealth a home for sailors, marines and others employed in
the naval service of the United States, disabled by wounds,
sickness, old age or otherwise, without regard to the place of
their enlistment; with all the powers and privileges, and *Powers and du-*
subject to all the duties, liabilities and restrictions set forth *ties.*
in all general laws which now are or may hereafter be in
force relating to such corporations, and with power to hold
real and personal estate for the purposes above set forth.

Approved February 9, 1865.

[1859, 173.]

AN ACT amending the Charter of the Pawners' Bank.

Chap. 14.

Be it enacted, &c., as follows :

SECTION 1. The Pawners' Bank in the city of Boston, is *May loan on*
hereby authorized to loan on pledge of the deposit books of *savings deposit*
savings banks, and on pledge of bonds and other securities of *books, and U. S.*
the United States and of this Commonwealth, and it shall be *and Mass. securi-*
lawful to loan on the same to four-fifths of their appraised *ties to four-fifths*
value. *of value.*

SECTION 2. In case the savings bank deposit books afore- *Deposit books not*
said, pledged to the bank, shall not be redeemed within the *redeemed, need*
time limited, it shall not be necessary for the bank to sell the *not be sold, but*
same at public auction, but said bank may convert the same *may be applied*
or so much thereof as may be necessary to pay the debt, in *to payment of*
such mode and at such time as, in the judgment of the *debt.*
directors, will best secure the interests of all parties, holding
the net surplus in accordance with the eighth section of the
charter of said Pawners' Bank.

Bank may invest capital not employed in loans in State or U. S. securities.

SECTION 3. The said Pawnors' Bank is hereby authorized to invest in the aforesaid bonds and other securities of the United States and of this Commonwealth, such portion of its capital as is not employed in its regular loans.

SECTION 4. This act shall take effect upon its passage.

Approved February 9, 1865.

[1854, 123; 1859, 14.]

Chap. 15. AN ACT to increase the Capital Stock of the American Watch Company.
Be it enacted, &c., as follows :

\$500,000 additional capital stock.

SECTION 1. The American Watch Company, in the town of Waltham, may increase its capital stock to an amount not exceeding five hundred thousand dollars, in addition to the amount now allowed by law, the same to be divided into shares of one hundred dollars each.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1865.

[1862, 136; 1864, 205.]

Chap. 16. AN ACT to extend the Time for the Construction of the Wrentham Branch Railroad.

Be it enacted, &c., as follows :

Time for location and construction extended.

The time allowed to the Wrentham Branch Railroad Company for the construction of its railroad, is hereby extended to the first day of May, in the year one thousand eight hundred and sixty-seven.

Approved February 9, 1865.

[1867, 173.]

[1843, 42; 1844, 84.]

Chap. 17. AN ACT to continue in force an Act incorporating the Union Mutual Fire Insurance Company, in Boston.

Be it enacted, &c., as follows :

Charter extended without limitation of time.

SECTION 1. The act of the year one thousand eight hundred and forty-three, entitled an Act to incorporate the Union Mutual Fire Insurance Company, and all acts in addition thereto or in amendment thereof, shall be, remain and continue in force, from and after the twenty-second day of March, in the year one thousand eight hundred and seventy-one; and said Union Mutual Fire Insurance Company shall continue to have and enjoy all the powers and privileges and be subject to all the duties and liabilities of a mutual fire insurance company from and after said date, in like manner and to the same effect as if said act incorporating said company had contained no limitation of time.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1865.

[1847, 276; 1848, 106; 1849, 55; 1851, 63; 1853, 336; 1856, 114; 1857, 93; 1859, 97;
1863, 84.]

AN ACT to extend the Time for constructing the Boston, Barre and Gardner Railroad. *Chap. 18.*

Be it enacted, &c., as follows :

The time allowed to the Boston, Barre and Gardner Railroad Company for the construction of its railroad, is hereby extended to the first day of May, in the year one thousand eight hundred and sixty-eight. *Time extended for construction.*

Approved February 9, 1865.

[1868, 30.]

[1864, 252.]

AN ACT to extend the Time for constructing the Road of the South Danvers and Lynn Street Railway Company. *Chap. 20.*

Be it enacted, &c., as follows :

The time allowed the South Danvers and Lynn Street Railway Company to construct its road, is hereby extended to the thirteenth day of November, in the year eighteen hundred and sixty-seven. *Time extended for construction.*

Approved February 15, 1865.

[1854, 444; 1856, 260; 1857, 211, 216; 1858, 15; 1861, 188; 1862, 175.]

AN ACT to authorize the Broadway Railroad Company to increase its Capital Stock. *Chap. 21.*

Be it enacted, &c., as follows :

SECTION 1. The Broadway Railroad Company is hereby authorized to increase its capital stock by adding thereto a sum not exceeding one hundred thousand dollars. *\$100,000 additional capital stock.*

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1865.

[1867, 294; 1868, 241.]

[1841, 28; 1856, 250.]

AN ACT in addition to an Act incorporating the Williston Seminary. *Chap. 22.*

Be it enacted, &c., as follows :

SECTION 1. The Williston Seminary is hereby authorized to hold real and personal estate to the value of one hundred and twenty thousand dollars in addition to the amount which it is now authorized to hold; the same to be applied to purposes specified in the act incorporating said seminary. *\$120,000 additional real and personal estate.*

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1865.

AN ACT to incorporate the Church of Our Redeemer, in Holliston. *Chap. 23.*

Be it enacted, &c., as follows :

SECTION 1. George T. Daniels, Frank O. Paddleford, Amasa C. Daniels, their associates and successors, are hereby made a corporation, by the name of the Church of Our Redeemer, in Holliston, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set *Corporators Name. Powers and duties.*

Real and personal estate. forth in the general laws which now are or may hereafter be in force, relating to such corporations, with power to hold real and personal estate to an amount not exceeding in value the sum of twenty thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1865.

Chap. 24. AN ACT to authorize Obed Baker, Third, to build a Wharf in South Dennis.

Be it enacted, &c., as follows :

May build wharf in Dennis.

Obed Baker, third, proprietor of land situate on the east side of Bass River, in that part of Dennis called South Dennis, is hereby authorized to build and maintain a wharf adjacent to his land aforesaid, and to extend the same into said river a distance of not more than seventy feet from high-water mark, with a right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor: *provided*, that this grant shall in no wise impair the legal rights of any person.

Proviso.

Approved February 15, 1865.

Chap. 25. AN ACT to incorporate the Marlborough Gas Light Company.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Samuel Boyd, Thomas Corey, Joseph Boyd, their associates and successors, are hereby made a corporation by the name of the Marlborough Gas Light Company, for the purpose of manufacturing and selling gas in the town of Marlborough; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or may hereafter be in force relating to such corporations.

Name and purpose.

May use streets with consent of selectmen.

SECTION 2. Said corporation, with the consent in writing of the selectmen of said town, shall have power and authority to dig up and open the grounds in any of the streets, lanes and highways in said town, for the purpose of sinking and repairing such pipes and conductors as may be necessary to accomplish the object of the corporation and for the purpose aforesaid; but such consent shall not affect the right or remedy to recover damages for any injury which shall be caused to persons or property by the doings of such corporation. They shall put all such streets, lanes and highways which are opened, into as good repair as they were in when they were opened, and upon failure so to do within a reasonable time, shall be deemed guilty of a nuisance.

Private rights not to be affected.

Streets and ways opened to be restored.

Doings of corporation to be under control of selectmen.

The said selectmen shall at all times have power to regulate, restrain and control all acts and doings of the said corporation which may in any manner affect the health, safety, convenience or property of the inhabitants of said town.

SECTION 3. Said corporation may hold such real estate as Capital stock. may be necessary and convenient for the purpose aforesaid, not exceeding in value the sum of twenty thousand dollars; and the whole capital stock shall not exceed the sum of fifty thousand dollars.

SECTION 4. This act shall take effect upon its passage.

Approved February 15, 1865.

AN ACT to incorporate the National Dock and Warehouse Company. *Chap. 26.*
Be it enacted, &c., as follows:

SECTION 1. Elisha T. Loring, Elijah D. Brigham, Samuel Corporators. Gould, their associates and successors, are hereby made a corporation, by the name of the National Dock and Warehouse Name. Company, with power to purchase and hold the whole or any part of the real estate, with all the rights, easements, privileges and appurtenances thereto belonging, situate in East Boston, Location. and bounded and described as follows, namely: north-easterly by Sumner Street, south-easterly by Lewis Street and by land and pier held and occupied by the East Boston Ferry Company, south-westerly by the commissioners' line and north-westerly by the Carleton estate, so called; also, all the right, East Boston Wharf and Ferry Companies' titles and reversion secured. title, interest and reversion, of the East Boston Wharf Company or its assigns in the fee of Lewis Street, and in the land, piers, docks and other real estate, of the East Boston Ferry Company adjoining the first described land, and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force relating to such corporations.

SECTION 2. Said corporation may use, improve and manage the premises aforesaid, and the warehouses, buildings and improvements thereon, and may erect other warehouses and buildings on the same; may mortgage, lease, sell and convey said premises, or any part thereof; may maintain and construct wharves and docks upon said premises, and lay vessels thereat, and receive wharfage and dockage therefor, and do all other business connected therewith, and with the use and enjoyment of said premises: *provided, however,* Powers of new corporation. that nothing herein contained shall be deemed to authorize the building of any wharf or dock now forbidden or unauthorized by law. Proviso.

SECTION 3. The capital stock of said corporation shall not exceed one million dollars, and shall be divided into shares Capital stock and shares. of one hundred dollars each. Said corporation may hold Personal estate. such personal property as may be necessary or convenient for the purposes set forth in this act.

SECTION 4. This act shall take effect upon its passage.

Approved February 17, 1865.

FRANKLIN COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1863.			
February 10,	George Hall,	George Hall Baker,	Hawley.
May 26,	Stillman Clark Turner,	Stillman Clark Carter,	Hawley.
August 4,	Abbie Maria Kenney,	Abbie Maria Jones,	Deerfield.
" 4,	Nancy Ellen Death,	Ellen Anderson,	Montague.
" 4,	Name not known,*	Willie Bush,	Greenfield.
September 1,	Emma Boswell,	Emma Melinda Bardwell,	Shelburne.
October 27,	Mary Elizabeth Clark,	Mary Elizabeth Sanderson,	Whately.

* Minor child from State Almshouse.

BERKSHIRE COUNTY.

June 2,	Alice Johnson,	Alice Hannah Bacon,	Adams.
July 22,	Willie Gilbert,	Willie Thomas Comstock,	Great Barrington.

NORFOLK COUNTY.

January 17,	Nancy Gordon,	Nancy Maria Dow,	Quincy.
March 28,	Anna Cora Bower,	Anna Bower Hibbard,	Roxbury.

April 4, . . .	Elizabeth F. Wilbur, . . .	Elizabeth F. Grover, . . .	Foxborough.
" 7, . . .	Jennie Brown, . . .	Florence Evlyn Snell, . . .	Dedham.
August 15, . . .	Henry Packard, . . .	Henry Thomas Packard, . . .	Quincy.
September 1, . . .	Clarence B. Clark, . . .	George W. Wilcox, . . .	Wrentham.

BRISTOL COUNTY.

January 2, . . .	John B. Vandenhough, . . .	John Bowers, . . .	Somerset.
" 2, . . .	William Lyman Vandenhough, . . .	William Lyman Bowers, . . .	Somerset.
February 6, . . .	Emma S. Upham, . . .	Emma S. Monroe, . . .	New Bedford.
" 6, . . .	Emma Peyser, . . .	Emma Peyser Hyman, . . .	New Bedford.
June 5, . . .	James L. S. Russell, . . .	James Russell Tracy, . . .	Raynham.
July 10, . . .	Adeline F. Cole, . . .	Adeline F. Slade, . . .	New Bedford.
August 21, . . .	George Heighlints, . . .	George Haworth, . . .	Taunton.
November 6, . . .	Mary Ellen McKim, . . .	Nellie Delano, . . .	New Bedford.
December 4, . . .	Mabel Alice Hall, . . .	Annie Mabel Maxham, . . .	Taunton.

PLYMOUTH COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1863.			
February 24,	Adeline L. Coots.*	Hattie Tyler Cobb,	N. Bridgewater.
" 24,	Helen P. Wood,*.	Helen Pierpont Cobb,	N. Bridgewater.
July 13,	Lizzie F. Griffith,*	Florence W. Harris,	Wareham.
October 26,.	Fannie Frisbie,*	Fanny Frisbie Gibbs,	Wareham.
November 23,	Harry M. Packard,*	Isaac M. P. Brett,	N. Bridgewater.
" 23,	Sarah J. Nye,*	Emma Sarah Lane,	Abington.

* Minor, name changed by reason of adoption.

BARNSTABLE COUNTY.

February 10,	Isaac Hall, 2d,	Isaac Freeman Hall,	Dennis.
August 11, .	Muriel May Rogers,	Muriel May Downs,	Dennis.
September 8,	Agnes Whitmore Simmons,	Mary Lewis Simmons,	Barnstable.
December 8,	Betsey Ann Kelley,	Betsey Ann Kelley Hamblin,	Yarmouth.

No application for change of name has been made to the Judges of Probate Courts, for the Counties of Dukes and Nantucket, during the year 1863.

1865.

[1847, 269; 1848, 143; 1851, 123; 1852, 178, 251; 1853, 185; 1856, 243; 1857, 102; 1859, 12; 1860, 42; 1861, 57, 202; 1862, 124.]

AN ACT to extend the Time for Locating and Constructing the Agricultural Branch Railroad, and to authorize a change of Location. *Chap. 2.*

Be it enacted, &c., as follows:

SECTION 1. The time for locating and constructing the Agricultural Branch Railroad is hereby extended three years from the first day of July next. Time for location and construction extended.

SECTION 2. The said railroad company is hereby authorized to change the location of its railroad in the towns of Clinton and Berlin, so as to pass through the southerly corner of the town of Bolton, and to file a new location of the second and third sections of said road, extending from the line of the town of Northborough to the Fitchburg and Worcester Railroad in the town of Sterling. May change location.

SECTION 3. The said company is also authorized to locate and construct a new track outside of their present location, near the northerly line of the town of Southborough, not exceeding two hundred rods in length. May construct additional track.

SECTION 4. This act shall take effect upon its passage.

Approved February 3, 1865.

[1865, 170; 1867, 83, 153.]

[1860, 18; 1863, 23.]

AN ACT to extend the Time for Locating and Constructing the North Attleborough Branch Railroad. *Chap. 3.*

Be it enacted, &c., as follows:

The time for locating and constructing the North Attleborough Branch Railroad is hereby extended to the first day of May, in the year eighteen hundred and sixty-seven. Time for location and construction extended.

Approved February 3, 1865.

[1867, 171.]

AN ACT to incorporate the Proprietors of Lyceum Hall, in Andover. *Chap. 4.*

Be it enacted, &c., as follows:

SECTION 1. James M. Fessenden, Alpheus B. Southwick, James W. Dearborn, their associates and successors, are hereby made a corporation, by the name of The Proprietors of the Lyceum Hall, for the purpose of erecting a building in Andover, and maintaining the same for the accommodation. Corporators. Name and purpose.

Powers and duties. tion and purposes of a lyceum hall, lectures, and any other lawful purpose; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which are or may be in force, so far as applicable to said corporation.

Capital stock and shares. SECTION 2. Said corporation shall have a capital stock of twelve thousand dollars, divided into shares of one hundred dollars each, and may hold, for the purposes aforesaid, real and personal estate not exceeding the amount of the capital stock.

Approved February 8, 1865.

Chap. 5.

AN ACT to authorize George H. Rogers to build Wharves in Gloucester.
Be it enacted, &c., as follows:

May build wharves in Gloucester.

SECTION 1. George H. Rogers is hereby authorized to build and maintain a wharf in front of his land at Clay Cove, in the harbor of Gloucester, not exceeding four hundred feet from the upland; also to build and maintain a wharf at Cripple Cove, in said harbor, not to extend beyond the adjoining wharf of Epes Sayward; said Rogers is also authorized to rebuild and extend his wharf in the harbor of Gloucester, known as Gaffney's Wharf, to a point within fifty feet from the end of the next wharf easterly, known as Steele's Wharf: *provided*, that neither of said wharves shall extend beyond the harbor line in said Gloucester, to be hereafter established by law.

May re-build wharf.

Proviso.

Wharfage and dockage.

SECTION 2. Said George H. Rogers and his assigns may lay vessels at said wharves, and receive wharfage and dockage therefor.

SECTION 3. This act shall not impair the legal rights of any person.

Approved February 8, 1865.

[1866, 145.]

[1833, 73; 1842, 32; 1854, 27.]

Chap. 6.

AN ACT to authorize the Suffolk Savings Bank for Seamen and others to hold Real Estate.

Be it enacted, &c., as follows:

May hold \$150,000 in real estate for banking house.

SECTION 1. The Suffolk Savings Bank, for seamen and others, is hereby authorized to hold real estate in the city of Boston, to an amount not exceeding one hundred and fifty thousand dollars: *provided*, that no part of said amount shall be invested in real estate, except in the purchase of a suitable site and the erection or preparation of a suitable building, to be used for banking purposes; and any income arising from such real estate shall be devoted exclusively to the interests of said corporation.

SECTION 2. This act shall take effect upon its passage.

Approved February 6, 1865.

AN ACT to incorporate the Union Institution for Savings in the City of *Chap. 9.*
Boston.

Be it enacted, &c., as follows :

SECTION 1. Moses B. Williams, Patrick Donahoe, John C. *Corporators.*
Crowley, their associates and successors, are hereby made a
corporation by the name of the Union Institution for Savings *Name.*
in the City of Boston, with all the powers and privileges, and
subject to all the duties, liabilities and restrictions set forth *Powers and*
in all general laws that now are or may hereafter be in force *duties.*
relating to institutions for savings.

SECTION 2. This act shall take effect upon its passage.

Approved February 8, 1865.

AN ACT to incorporate the National Sailors' Home.

Chap. 12.

Be it enacted, &c., as follows :

George B. Upton, Alexander H. Rice, James L. Little, *Corporators.*
their associates and successors, are hereby made a corpora-
tion by the name of the National Sailors' Home, for the *Name and pur-*
purpose of establishing and maintaining in this Common-
wealth a home for sailors, marines and others employed in *pose.*
the naval service of the United States, disabled by wounds,
sickness, old age or otherwise, without regard to the place of
their enlistment; with all the powers and privileges, and *Powers and du-*
subject to all the duties, liabilities and restrictions set forth *ties.*
in all general laws which now are or may hereafter be in
force relating to such corporations, and with power to hold
real and personal estate for the purposes above set forth.

Approved February 9, 1865.

[1859, 173.]

AN ACT amending the Charter of the Pawners' Bank.

Chap. 14.

Be it enacted, &c., as follows :

SECTION 1. The Pawners' Bank in the city of Boston, is *May loan on*
hereby authorized to loan on pledge of the deposit books of *savings deposit*
savings banks, and on pledge of bonds and other securities of *books, and U. S.*
the United States and of this Commonwealth, and it shall be *and Mass. securi-*
lawful to loan on the same to four-fifths of their appraised *ties to four-fifths*
value. *of value.*

SECTION 2. In case the savings bank deposit books afore- *Deposit books not*
said, pledged to the bank, shall not be redeemed within the *redeemed, need*
time limited, it shall not be necessary for the bank to sell the *not be sold, but*
same at public auction, but said bank may convert the same *may be applied*
or so much thereof as may be necessary to pay the debt, in *to payment of*
such mode and at such time as, in the judgment of the *debt.*
directors, will best secure the interests of all parties, holding
the net surplus in accordance with the eighth section of the
charter of said Pawners' Bank.

Bank may invest capital not employed in loans in State or U. S. securities.

SECTION 3. The said Pawnors' Bank is hereby authorized to invest in the aforesaid bonds and other securities of the United States and of this Commonwealth, such portion of its capital as is not employed in its regular loans.

SECTION 4. This act shall take effect upon its passage.

Approved February 9, 1865.

[1854, 123; 1859, 14.]

Chap. 15. AN ACT to increase the Capital Stock of the American Watch Company.
Be it enacted, &c., as follows :

\$500,000 additional capital stock.

SECTION 1. The American Watch Company, in the town of Waltham, may increase its capital stock to an amount not exceeding five hundred thousand dollars, in addition to the amount now allowed by law, the same to be divided into shares of one hundred dollars each.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1865.

[1862, 136; 1864, 205.]

Chap. 16. AN ACT to extend the Time for the Construction of the Wrentham Branch Railroad.

Be it enacted, &c., as follows :

Time for location and construction extended.

The time allowed to the Wrentham Branch Railroad Company for the construction of its railroad, is hereby extended to the first day of May, in the year one thousand eight hundred and sixty-seven.

Approved February 9, 1865.

[1867, 173.]

[1843, 42; 1844, 84.]

Chap. 17. AN ACT to continue in force an Act incorporating the Union Mutual Fire Insurance Company, in Boston.

Be it enacted, &c., as follows :

Charter extended without limitation of time.

SECTION 1. The act of the year one thousand eight hundred and forty-three, entitled an Act to incorporate the Union Mutual Fire Insurance Company, and all acts in addition thereto or in amendment thereof, shall be, remain and continue in force, from and after the twenty-second day of March, in the year one thousand eight hundred and seventy-one; and said Union Mutual Fire Insurance Company shall continue to have and enjoy all the powers and privileges and be subject to all the duties and liabilities of a mutual fire insurance company from and after said date, in like manner and to the same effect as if said act incorporating said company had contained no limitation of time.

Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved February 9, 1865.

[1847, 276; 1848, 106; 1849, 55; 1851, 63; 1853, 336; 1856, 114; 1857, 93; 1859, 97; 1853, 84.]

AN ACT to extend the Time for constructing the Boston, Barre and Gardner Railroad. *Chap. 18.*

Be it enacted, &c., as follows :

The time allowed to the Boston, Barre and Gardner Railroad Company for the construction of its railroad, is hereby extended to the first day of May, in the year one thousand eight hundred and sixty-eight. *Time extended for construction.*

Approved February 9, 1865.

[1868, 30.]

[1864, 252.]

AN ACT to extend the Time for constructing the Road of the South Danvers and Lynn Street Railway Company. *Chap. 20.*

Be it enacted, &c., as follows :

The time allowed the South Danvers and Lynn Street Railway Company to construct its road, is hereby extended to the thirteenth day of November, in the year eighteen hundred and sixty-seven. *Time extended for construction.*

Approved February 15, 1865.

[1854, 444; 1856, 260; 1857, 211, 216; 1858, 15; 1861, 188; 1862, 175.]

AN ACT to authorize the Broadway Railroad Company to increase its Capital Stock. *Chap. 21.*

Be it enacted, &c., as follows :

SECTION 1. The Broadway Railroad Company is hereby authorized to increase its capital stock by adding thereto a sum not exceeding one hundred thousand dollars. *\$100,000 additional capital stock.*

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1865.

[1867, 294; 1868, 241.]

[1841, 28; 1856, 250.]

AN ACT in addition to an Act incorporating the Williston Seminary. *Chap. 22.*

Be it enacted, &c., as follows :

SECTION 1. The Williston Seminary is hereby authorized to hold real and personal estate to the value of one hundred and twenty thousand dollars in addition to the amount which it is now authorized to hold; the same to be applied to purposes specified in the act incorporating said seminary. *\$120,000 additional real and personal estate.*

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1865.

AN ACT to incorporate the Church of Our Redeemer, in Holliston. *Chap. 23.*

Be it enacted, &c., as follows :

SECTION 1. George T. Daniels, Frank O. Paddleford, Amasa C. Daniels, their associates and successors, are hereby made a corporation, by the name of the Church of Our Redeemer, in Holliston, with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set *Corporators Name. Powers and duties.*

Real and personal estate. forth in the general laws which now are or may hereafter be in force, relating to such corporations, with power to hold real and personal estate to an amount not exceeding in value the sum of twenty thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved February 15, 1865.

Chap. 24. AN ACT to authorize Obed Baker, Third, to build a Wharf in South Dennis.

Be it enacted, &c., as follows :

May build wharf in Dennis.

Obed Baker, third, proprietor of land situate on the east side of Bass River, in that part of Dennis called South Dennis, is hereby authorized to build and maintain a wharf adjacent to his land aforesaid, and to extend the same into said river a distance of not more than seventy feet from high-water mark, with a right to lay vessels at the end and sides of said wharf, and to receive wharfage and dockage therefor: *provided*, that this grant shall in no wise impair the legal rights of any person.

Proviso.

Approved February 15, 1865.

Chap. 25. AN ACT to incorporate the Marlborough Gas Light Company.

Be it enacted, &c., as follows :

Corporators.

Name and purpose.

SECTION 1. Samuel Boyd, Thomas Corey, Joseph Boyd, their associates and successors, are hereby made a corporation by the name of the Marlborough Gas Light Company, for the purpose of manufacturing and selling gas in the town of Marlborough; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or may hereafter be in force relating to such corporations.

May use streets with consent of selectmen.

SECTION 2. Said corporation, with the consent in writing of the selectmen of said town, shall have power and authority to dig up and open the grounds in any of the streets, lanes and highways in said town, for the purpose of sinking and repairing such pipes and conductors as may be necessary to accomplish the object of the corporation and for the purpose aforesaid; but such consent shall not affect the right or remedy to recover damages for any injury which shall be caused to persons or property by the doings of such corporation. They shall put all such streets, lanes and highways which are opened, into as good repair as they were in when they were opened, and upon failure so to do within a reasonable time, shall be deemed guilty of a nuisance.

Private rights not to be affected.

Streets and ways opened to be restored.

Doings of corporation to be under control of selectmen.

The said selectmen shall at all times have power to regulate, restrain and control all acts and doings of the said corporation which may in any manner affect the health, safety, convenience or property of the inhabitants of said town.

SECTION 3. Said corporation may hold such real estate as Capital stock. may be necessary and convenient for the purpose aforesaid, not exceeding in value the sum of twenty thousand dollars; and the whole capital stock shall not exceed the sum of fifty thousand dollars.

SECTION 4. This act shall take effect upon its passage.

Approved February 15, 1865.

AN ACT to incorporate the National Dock and Warehouse Company. **Chap. 26.**
Be it enacted, &c., as follows:

SECTION 1. Elisha T. Loring, Elijah D. Brigham, Samuel Corporators. Gould, their associates and successors, are hereby made a corporation, by the name of the National Dock and Warehouse Name. Company, with power to purchase and hold the whole or any part of the real estate, with all the rights, easements, privileges and appurtenances thereto belonging, situate in East Boston, Location. and bounded and described as follows, namely: north-easterly by Sumner Street, south-easterly by Lewis Street and by land and pier held and occupied by the East Boston Ferry Company, south-westerly by the commissioners' line and north-westerly by the Carleton estate, so called; also, all the right, East Boston Wharf and Ferry Companies' titles and reversion secured. title, interest and reversion, of the East Boston Wharf Company or its assigns in the fee of Lewis Street, and in the land, piers, docks and other real estate, of the East Boston Ferry Company adjoining the first described land, and shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force relating to such corporations.

SECTION 2. Said corporation may use, improve and manage Powers of new corporation. the premises aforesaid, and the warehouses, buildings and improvements thereon, and may erect other warehouses and buildings on the same; may mortgage, lease, sell and convey said premises, or any part thereof; may maintain and construct wharves and docks upon said premises, and lay vessels thereat, and receive wharfage and dockage therefor, and do all other business connected therewith, and with the use and enjoyment of said premises: *provided, however,* Proviso. that nothing herein contained shall be deemed to authorize the building of any wharf or dock now forbidden or unauthorized by law.

SECTION 3. The capital stock of said corporation shall not Capital stock and shares. exceed one million dollars, and shall be divided into shares of one hundred dollars each. Said corporation may hold Personal estate. such personal property as may be necessary or convenient for the purposes set forth in this act.

SECTION 4. This act shall take effect upon its passage.

Approved February 17, 1865.

[1847, 11.]

Chap. 27.

AN ACT in relation to the Rockport Steam Cotton Mills.

*Be it enacted, &c., as follows :*Acts of treasurers
made valid.

SECTION 1. All the acts done by David Kimball, Eliab P. Mackintire and Newell Giles, claiming to be treasurers of the Rockport Steam Cotton Mills, for and during the time for which they may have been severally elected by the board of directors of such corporation, are hereby made valid and confirmed to the same extent as they would have been valid had they been during the same time regularly elected by the stockholders.

Form of election
required, re-af-
firmed.

SECTION 2. Nothing in this act shall be construed to authorize any future election of treasurer in any other manner than that which is required by law.

SECTION 3. This act shall take effect upon its passage.

Approved February 17, 1865.

[1868, 99.]

Chap. 28.

AN ACT to change the Name of the Baldwin Place Baptist Society, and for other Purposes.

Be it enacted, &c., as follows :

Name changed.

SECTION 1. The name of the Baldwin Place Baptist Society is hereby changed to Second Baptist Society in Boston.

Society may sell
real estate and
erect new house.

SECTION 2. The said Second Baptist Society is hereby authorized to sell and convey its meeting-house, in Baldwin Place, in the city of Boston, with the land occupied and improved therewith, on such terms as it may think expedient, and to erect a new meeting-house on Canton Street or elsewhere in said Boston.

Rights and privi-
leges of proprie-
tors defined.

SECTION 3. The proprietors of pews in said meeting-house shall continue members of the corporation until the new meeting-house is finished and twenty pews therein are sold, unless they sooner convey their said pews in said meeting-house in Baldwin Place; and after twenty pews in the said new meeting-house are sold, the proprietors of pews in said new meeting-house shall be the sole members of the corporation: *provided*, that nothing herein contained shall be construed so as to impair the legal rights of the owner of any pew in said Baldwin Place meeting-house.

Proviso.

SECTION 4. This act shall take effect upon its passage.

*Approved February 17, 1865.***Chap. 29.**

AN ACT to authorize the Congregational Society of Groveland to Tax the Pews in its Meeting-House.

*Be it enacted, &c., as follows :*May tax pews to
repair meeting-
house.

SECTION 1. All sums of money which shall hereafter be voted to be raised by the Congregational Society of Grove-

land, for the purpose of repairing its meeting-house, shall be assessed upon the pews in said meeting-house, according to a valuation of said pews which shall be fixed by the society; and all assessments upon the pews, as aforesaid, may be collected in the manner provided by an act authorizing the proprietors of churches, meeting-houses and other houses of public worship, to regulate and manage their property and interests therein, approved on the twenty-fourth day of February, in the year one thousand eight hundred and eighteen.

SECTION 2. This act shall take effect upon its passage.

Approved February 17, 1865.

AN ACT to authorize Elijah Doane to build a Wharf in Provincetown. *Chap. 30.*
Be it enacted, &c., as follows :

Elijah Doane, owner of land and flats in Provincetown, is hereby authorized to build and maintain a wharf in the harbor of said Provincetown, adjacent to his land and flats aforesaid, and extending to low-water mark in said harbor, with a right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however*, that if a commissioners' line is hereafter duly established by authority of law, in the harbor of said Provincetown, said wharf shall not be maintained beyond such line; and *provided, also*, that this grant shall in no wise impair the legal rights of any person. *May build wharf in Provincetown.*

Approved February 17, 1865.

AN ACT to set off a part of the Town of Chelmsford and annex the same to the Town of Carlisle. *Chap. 34.*

Be it enacted, &c., as follows :

SECTION 1. So much of the town of Chelmsford as lies southerly of the following described line, to wit, beginning at a point where the towns of Billerica, Carlisle and Chelmsford meet, and running thence north sixty-two degrees and twenty-five minutes west two hundred rods, thence south eighty-three degrees and thirty-five minutes west three hundred and eighty rods, thence south seventy degrees and thirty-five minutes west three hundred and sixty-eight rods to a point where the towns of Westford, Carlisle and Chelmsford meet, with the inhabitants thereon, is hereby set off from said town of Chelmsford and annexed to the said town of Carlisle: *provided*, that the said land and the inhabitants thereon shall be holden to pay all such taxes as already have been lawfully assessed on them by said town of Chelmsford. *Bounds defined.*

SECTION 2. The line described in the preceding section is hereby established as the boundary line between the said towns of Carlisle and Chelmsford. *Line declared established.*

Approved February 17, 1865.

[1837, 21.]

Chap. 36. AN ACT to continue in force an Act incorporating the Dedham Mutual Fire Insurance Company.*Be it enacted, &c., as follows :*Charter extended
without limita-
tion of time.

SECTION 1. The act of the year one thousand eight hundred and thirty-seven, entitled an Act to incorporate the Dedham Mutual Fire Insurance Company, and all acts in addition thereto or in amendment thereof, shall be, remain and continue in force, from and after the twenty-second day of February eighteen hundred and sixty-five, and said company shall continue to have and enjoy all the powers and privileges, and be subject to all the duties, liabilities and restrictions of a mutual fire insurance company from and after said date, in like manner and to the same effect as if said act incorporating said company had contained no limitation of time.

Powers and du-
ties.

SECTION 2. This act shall take effect upon its passage.

*Approved February 18, 1865.***Chap. 37.** AN ACT to incorporate the Chelsea Fire Insurance Company.*Be it enacted, &c., as follows :*

Corporators.

Name and pur-
pose.Powers and du-
ties.Capital stock and
shares.

Real estate.

When may com-
mence business.

SECTION 1. Jesse Gould, Nehemiah Boynton, Noble M. Perkins, their associates and successors, are hereby made a corporation by the name of the Chelsea Fire Insurance Company, in the city of Chelsea, for the purpose of making insurance against losses by fire; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in all general laws which now are, or hereafter may be in force, relating to such corporations.

SECTION 2. Said corporation shall have a capital stock of one hundred thousand dollars, divided into shares of one hundred dollars each, with liberty to pay in and increase the same to two hundred thousand dollars, and shall have a right to hold real estate for its own use not exceeding ten thousand dollars.

SECTION 3. Said corporation may commence business when one hundred thousand dollars of its capital stock shall have been subscribed and paid in in cash.

SECTION 4. This act shall take effect upon its passage.

*Approved February 18, 1865.***Chap. 38.** AN ACT to incorporate the Proprietors of the Maple Grove Cemetery.*Be it enacted, &c., as follows :*

Corporators.

Name and pur-
pose.

SECTION 1. James T. Ames, Benning Leavitt, Sylvanus Adams, their associates and successors, are hereby made a corporation by the name of the Proprietors of the Maple Grove Cemetery, for the purpose of holding, managing and

Powers and duties.

**Conveyance to of
property, upon
organization of
corporation.**

Approved February 24, 1865.

Chap. 46.

**Sea fowl pro-
tected.**

Penalty.

Approved February 27, 1865.

Chap. 47.

Selectmen or committee may close passage-ways above weir.

Proviso.

Excess of number
required may be
taken, &c.

SECTION 2. Alewives coming to said weir after the number of two thousand shall have been deposited in said ponds as herein before required, may be taken on any secular day of the week, and at any hour of the day, and disposed of under the direction of said selectmen or committee in the manner now provided by law.

Mill owners not
liable while ways
are closed.

SECTION 3. The mill owners upon said weirs shall not be liable to any of the penalties now provided by law for not opening a passage-way for alewives, around or through their respective dams while said passage-ways are closed by order as aforesaid; and nothing in this act shall be so construed as to abridge or impair the rights which any officers of said town now have by law to regulate the flow of water in said river.

Powers of town
officers.

SECTION 4. All acts and parts of acts inconsistent with this act are hereby repealed. *Approved February 27, 1865.*

[1814, 19; 1860, 285; 1861, 164.]

Chap. 48. AN ACT authorizing a Change of Time for Holding the Annual Exhibition of the Hampshire Agricultural Society.

Be it enacted, &c., as follows :

Last Tuesday of
September.

SECTION 1. The Hampshire County Agricultural Society shall commence its annual exhibition on the last Tuesday of September.

Repeal.

SECTION 2. Anything in section sixteen, chapter sixty-six of the General Statutes, inconsistent with the foregoing section, is hereby repealed. *Approved February 27, 1865.*

Chap. 49. AN ACT to incorporate the Broadway Insurance Company.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Samuel Leeds, Frederick Nickerson, Zibeon Southard, their associates and successors, are hereby made a corporation, by the name of the Broadway Insurance Company in the city of Boston, for the purpose of making insurance on real and personal property against losses by fire; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Name and pur-
pose.

Powers and
duties.

Capital stock and
shares.

SECTION 2. Said corporation shall have a capital stock of one hundred thousand dollars, divided into shares of one hundred dollars each, with liberty to pay in and increase the same to three hundred thousand dollars, and shall have a right, after such increase, to hold real estate for its own use to an amount not exceeding twenty-five thousand dollars.

Real estate.

Approved February 27, 1865.

[1809, 43.]

AN ACT in addition to an Act to incorporate the Bible Society of Massachusetts. *Chap. 50.*

Be it enacted, &c., as follows :

SECTION 1. The corporation heretofore established by the name of the Bible Society of Massachusetts, shall hereafter be known by the name of the Massachusetts Bible Society, and by that name shall have, hold and enjoy all its rights and privileges, and be subject to all its liabilities and obligations to the same extent as if its name had not been changed. *Name changed.*

SECTION 2. The said society may publish, procure, purchase, circulate and distribute bibles and testaments in any other than the English language in the same manner and to the same extent as they are now authorized by law to distribute bibles and testaments of the version in common use in the churches in New England, anything in the act incorporating the said society to the contrary notwithstanding. *Powers extended.*

SECTION 3. This act shall be void unless the same shall be accepted by the said society at a meeting thereof called for that purpose, within thirty days after its passage. *Act void unless accepted in thirty days.*

Approved February 27, 1865.

[1857, 25; 1860, 208; 1861, 179; 1863, 5; 1864, 178, 309.]

AN ACT concerning the Fall River, Warren and Providence Railroad Company. *Chap. 51.*

Be it enacted, &c., as follows :

SECTION 1. The Fall River, Warren and Providence Railroad Company is hereby authorized, for the purpose of paying the debt created by the construction of its railroad, and for other purposes, to issue bonds or other obligations, for an amount not exceeding two hundred thousand dollars, and at a rate of interest not exceeding six per cent. per annum, and to secure said bonds or other obligations by a mortgage upon its railroad, franchise and property. *May issue bonds to pay indebtedness.*

SECTION 2. Said company is hereby authorized to hold its annual meeting for the election of officers on the second Monday in March in each year. *Amount.* *Rate of interest and security.* *Annual meeting of corporation.*

Approved February 27, 1865.

[1865, 71.]

[S. 1844, 136.]

AN ACT to incorporate the Canton and Hyde Park Railroad Company. *Chap. 52.*

Be it enacted, &c., as follows :

SECTION 1. Oliver Ames, Oakes Ames, Oliver S. Chapman, their associates and successors, are hereby made a corporation, by the name of the Canton and Hyde Park Railroad Company, with all the powers and privileges, and subject to all the restrictions, duties and liabilities, set forth in the general laws which now are or hereafter may be in force relating to such corporations. *Corporators.* *Name.* *Powers and duties.*

Location.

SECTION 2. The said company may locate, construct and operate a railroad, commencing at some convenient point on the Stoughton Branch Railroad, in the town of Canton, and near the junction of said Stoughton Branch Railroad with the Boston and Providence Railroad, thence running northerly through Canton and in Milton, or in Dedham and Milton, to some convenient point on the Boston, Hartford and Erie Railroad, near Hyde Park, so called, in the town of Milton.

May unite with Boston, Hartford and Erie Co.

SECTION 3. Said Canton and Hyde Park Railroad Company may, with the consent of the Boston, Hartford and Erie Railroad Company, enter with its road upon, and unite its road with, the road of the said Boston, Hartford and Erie Railroad Company, and use the said railroad, subject to the general laws of this Commonwealth, relating to railroad corporations.

May unite with Stoughton Branch Co.

SECTION 4. The Canton and Hyde Park Railroad Company is hereby authorized to enter with its road upon, or unite the same with and use the road of the Stoughton Branch Railroad Company; and the Stoughton Branch Railroad Company is hereby authorized to enter with its road upon, or unite the same with and use, the road of the Canton and Hyde Park Railroad Company.

Capital stock.

SECTION 5. The capital stock of said company shall be fixed by said company at an amount not less than one hundred and fifty thousand dollars, nor more than two hundred and fifty thousand dollars, and when so fixed shall not thereafter be changed; and said stock shall be divided into shares of one hundred dollars each. Said company may purchase and hold such real and personal estate as may be necessary for the purposes for which it is incorporated.

Shares.**Real and personal estate.****Stoughton Branch and Canton and Hyde Park Co's may unite by agreement of stockholders.**

SECTION 6. The Stoughton Branch Railroad Company and the Canton and Hyde Park Railroad Company are hereby authorized to unite with each other within five years from the passage of this act, upon such terms as may be agreed upon by said corporations, respectively, not inconsistent with the provisions of their respective charters, or the acts in addition thereto, nor with the laws of this Commonwealth, by a vote of the stockholders representing a majority of the stock in the respective corporations, at legal meetings held for that purpose; and thereupon said two corporations shall become one corporation, under the name of the Stoughton, Canton and Hyde Park Railroad Company, with a capital stock not exceeding the joint capital of the two corporations.

Title of new corporation.**Capital stock.**

SECTION 7. This act shall be void unless the said railroad is located within two years, and constructed within four years, from the passage thereof. When to be located and constructed.

SECTION 8. This act shall take effect upon its passage.

Approved February 27, 1865.

[1865, 171; 1867, 32.]

[1863, 121.]

AN ACT to extend the Time for Constructing the Springfield Horse Railroad. *Chap. 53.*

Be it enacted, &c., as follows :

The time within which the Springfield Horse Railroad Company may construct its road, is hereby extended to the thirtieth day of March in the year eighteen hundred and sixty-seven. Time extended for construction.

Approved February 27, 1865.

AN ACT to incorporate the Boston and New York Steamboat Company. *Chap. 54.*

Be it enacted, &c., as follows :

SECTION 1. Alexander Holmes, John A. Burnham, Uriel Crocker, their associates and successors, are hereby made a corporation by the name of the Boston and New York Steamboat Company, for the purpose of navigating by steam and other vessels, the waters of New York, Mount Hope and Narraganset Bays, the intervening waters and those connected therewith; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force relating to such corporations. Corporators.
Name and purpose.
Powers and duties.

SECTION 2. The said company is hereby authorized and empowered to build, purchase, hold, convey, hire and employ one or more steam or other vessels, with such apparatus and appendages as may be found necessary for steam navigation and the transportation of passengers and merchandise in any and all the waters aforesaid. May build steamers.

SECTION 3. The capital stock of said corporation shall not exceed one million of dollars, to be fixed by vote of the corporation, and shall be divided into shares of the par value of one hundred dollars each; and said corporation shall have power to assess, from time to time, upon said shares such sums as may be deemed necessary to accomplish the object of said corporation, not exceeding the par value of such shares. Capital stock and shares.
Assessments.

SECTION 4. This act shall take effect upon its passage.

Approved February 27, 1865.

[1852, 148; 1859, 251; 1860, 71; 1861, 79; 1862, 163.]

Chap. 55. AN ACT to extend the Time for the Construction of the Eastern Avenue.*Be it enacted, &c., as follows :*Time extended
for construction.

SECTION 1. The time allowed the city of Boston, as assignee of the franchise of the Eastern Avenue corporation, to construct the avenue across South Boston flats, is hereby extended to the first day of March, in the year eighteen hundred and sixty-eight.

SECTION 2. This act shall take effect upon its passage.

Approved February 28, 1865.

[1865, 72; 1868, 326.]

[1853, 415; 1854, 31; 1855, 430; 1857, 89; 1859, 5; 1860, 2; 1863, 14; 1864, 54.]

Chap. 56. AN ACT extending the Time for the Location and Construction of the Mystic River Railroad.*Be it enacted, &c., as follows :*Time extended
for construction.

The time allowed to locate the Mystic River Railroad is hereby extended to the first day of May, in the year eighteen hundred and sixty-eight, and to construct the same, to the first day of May, in the year eighteen hundred and sixty-nine: *provided*, if said road shall be located and built upon the flats of the Mystic River Corporation, before the same shall be completely filled, then said road shall be there built upon piles.

Proviso.

Approved March 2, 1865.

[1866, 278; 1868, 21.]

[1846, 95; 1847, 198; 1848, 39; 1850, 15; 1852, 7.]

Chap. 57. AN ACT authorizing the City of Roxbury to divert the Waters of Stony Brook.*Be it enacted, &c., as follows :*May divert waters
of Stony Brook.

SECTION 1. The city of Roxbury is hereby authorized, for the purpose of sewerage, to divert the waters of Stony Brook, so called, from a point within the territorial limits of said city, in the bend or elbow of said brook, in the angle formed by the intersection of Ruggles Street with the Boston and Providence Railroad, into and through a new channel to be constructed from that point to some point in or near the boundary line between Brookline and said city of Roxbury, easterly of the junction of said Stony Brook with Muddy River, so called.

Compensation for
injuries to be
determined by
mayor and alder-
men.

SECTION 2. Any person injured in his property by such diversion shall have compensation therefor, to be determined by the mayor and aldermen of said city, to whom he shall make written application therefor within one year after such diversion shall have been made, and who shall finally adjudicate upon the question of damages within thirty days after the filing of said application, unless the parties agree in

writing to extend the time. The benefit, if any, which the applicant may receive by reason of said diversion shall be allowed by way of set-off.

SECTION 3. If the applicant is aggrieved, either by the estimate of his damages or by a refusal or neglect within thirty days to estimate the same, he may, within three months from the expiration of said thirty days, or of the extended time, as provided in section two, apply for a jury, or, if both parties agree, a committee, and have his damages ascertained, in the manner provided where land is taken in laying out highways. If the damages are increased by the jury or committee, the damages and costs shall be paid by the city, otherwise the costs arising on such application shall be paid by the applicant.

Party aggrieved may have jury or committee.

Damages and costs.

Approved March 3, 1865.

[1866, 36, 69; 1867, 343, 359.]

AN ACT to authorize the Town of Plymouth to establish Herring Fisheries in Eel River and Town Brook.

Chap. 58.

Be it enacted, &c., as follows :

SECTION 1. The inhabitants of the town of Plymouth are hereby authorized to establish fisheries for herrings in the streams of said town known by the names of Eel River and Town Brook, and to locate weirs for taking herrings in said streams.

Plymouth may establish and locate weirs.

SECTION 2. The inhabitants of said town are further authorized to grant, for a period not exceeding twelve years from the passage of this act, the powers conferred by the same to such person or persons as they may in town meeting elect.

May grant powers to persons elected by town.

SECTION 3. At the expiration of the period of such grant, the fisheries in said streams shall be sold annually, under the direction of the selectmen of said town, and the proceeds paid into the treasury of said town.

Upon expiration of grant, privilege to be sold annually.

SECTION 4. Any person interfering with said fisheries, disturbing the weirs located by authority of said town, or taking any herrings in said streams, except by such authority, shall be punished by a fine not exceeding ten dollars for each offence.

Penalty for taking herrings without authority.

SECTION 5. No right is given by this act to the inhabitants of the said town of Plymouth to molest or disturb, or in any manner interfere with, any dams upon said streams, or private property upon the borders of said streams, without the consent of the owner or owners thereof.

Rights of persons not to be infringed.

SECTION 6. This act shall take effect upon its passage.

Approved March 6, 1865.

[1831, 56; 1832, 74; 1833, 5; 1834, 171; 1835, 46, 102; 1836, 254; 1840, 89; 1841, 101; 1843, 88; 1845, 62; 1846, 20, 158; 1848, 177, 273; 1849, 180, 183, 193; 1850, 268; 1852, 42, 230; 1853, 25, 328; 1854, 55, 421.]

Chap. 59. AN ACT to authorize the Boston and Providence Railroad Corporation to increase its Capital Stock.

Be it enacted, &c., as follows :

\$340,000 additional capital stock.

Shares.

The Boston and Providence Railroad Corporation is hereby authorized to increase its capital stock by adding thereto a sum not exceeding three hundred and forty thousand dollars, to be divided into shares of one hundred dollars each.

Approved March 6, 1865.

[1865, 89; 1867, 83, 170, 336; 1868, 20, 189, 332.]

[1861, 109; 1863, 95, 96, 104, 105, 110; 1864, 11, 156.]

Chap. 60. AN ACT in addition to an Act to incorporate the Cape Cod Central Railroad Company.

Be it enacted, &c., as follows :

Time for construction extended.

The time allowed to the Cape Cod Central Railroad Company for the construction of its railroad, is hereby extended to the first day of October in the year eighteen hundred and sixty-six.

Approved March 6, 1865.

[1865, 200; 1868, 66, 132.]

Chap. 61. AN ACT to incorporate the Johnson Felting Mills.

Be it enacted, &c., as follows :

Corporators.

Name.

Location.

Powers and duties.

Real estate.

Capital stock and shares.

Proviso.

SECTION 1. William H. Thompson, Moses A. Johnson, Horace B. Shattuck, their associates and successors, are hereby made a corporation by the name of the Johnson Felting Mills, to be established in the city of Lowell, for the purpose of manufacturing woolen goods; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or may hereafter be in force relating to manufacturing corporations.

SECTION 2. The said corporation may hold, for the purpose aforesaid, real estate to the amount of one hundred thousand dollars; and the whole capital stock of said corporation shall not exceed two hundred and fifty thousand dollars, in shares of one hundred dollars each: *provided, however,* that said corporation shall not go into operation until the sum of seventy-five thousand dollars of its capital has been paid in, in cash.

SECTION 3. This act shall take effect upon its passage.

Approved March 6, 1865.

Chap. 62. AN ACT to incorporate the North Adams Woolen Company.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Sanford Blackington, John B. Tyler, Sylvander Johnson, their associates and successors, are hereby

made a corporation by the name of the North Adams Woolen Company, for the manufacture of woolen or cotton cloths, in the town of Adams, in the county of Berkshire; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, set forth in the general laws which now are or may hereafter be in force, relating to manufacturing corporations.

Name and purpose.

Powers and duties.

SECTION 2. Said corporation may hold, for the purposes aforesaid, real estate to the amount of one hundred and thirty thousand dollars. The whole capital stock of said corporation shall not exceed two hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each: *provided, however*, that said corporation shall not go into operation until the sum of one hundred thousand dollars of its capital stock has been paid in cash.

Real estate.

Capital stock and shares.

Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved March 6, 1865.

[1866, 63.]

[1855, 269; 1856, 238; 1857, 104; 1859, 63; 1861, 98; 1862, 10; 1863, 188, 207; 1864, 1.]

AN ACT to extend the Time for locating the Milford and Woonsocket Railroad. *Chap. 63.*

Be it enacted, &c., as follows:

The time for locating the Milford and Woonsocket Railroad is hereby extended to the first day of May in the year one thousand eight hundred and sixty-six.

Time for locating extended.

Approved March 6, 1865.

[1866, 4; 1867, 244, 319; 1868, 34, 222.]

[1863, 207.]

AN ACT to extend the Time for constructing the Merrimack Valley Horse Railroad. *Chap. 64.*

Be it enacted, &c., as follows:

The time allowed the Merrimack Valley Horse Railroad Company for the construction of its road, is extended to the first day of May in the year eighteen hundred and sixty-seven.

Time for construction extended.

Approved March 6, 1865.

[1867, 172; 1868, 220.]

AN ACT to authorize the First Parish in Boxford to sell Real Estate. *Chap. 65.*

Be it enacted, &c., as follows:

SECTION 1. The First Parish in Boxford is hereby authorized to sell, at public or private sale, at such time or times as it may choose, a certain lot of pasture land belonging to said parish, situated in said Boxford, and bounded on the north by land of Richard Foster, on the west by land of Cornelius Pearsons and others, on the south by land of John

May sell pasture lands in Boxford.

Treasurer may
execute deed.

K. Cole, and on the east by the highway ; and the treasurer of said parish for the time being, shall have authority to execute and deliver deeds, to convey said land in fee simple or otherwise.

Investment of
proceeds and
income.

SECTION 2. The proceeds of the sale of said land shall be permanently invested in such manner as said parish shall direct ; and the same shall be held and the income thereof applied, in accordance with the trust upon which said land and the income thereof have been held and applied.

SECTION 3. This act shall take effect upon its passage.

Approved March 6, 1865.

[1817, 64; 1843, 6; 1864, 118.]

Chap. 70.

AN ACT concerning the Salem Savings Bank.

Be it enacted, &c., as follows :

To be subject to
general laws.

SECTION 1. The Salem Savings Bank shall be subject to the general laws which now are or may hereafter be in force, relating to savings banks and institutions for savings, as fully as if the act of incorporation had been passed subsequent to the eleventh day of March, in the year eighteen hundred and thirty-one.

SECTION 2. This act shall take effect upon its passage.

Approved March 8, 1865.

[1866, 9.]

[1865, 51.]

Chap. 71.

AN ACT in addition to an Act concerning the Fall River, Warren and Providence Railroad Company.

Be it enacted, &c., as follows :

Act of 1865 to
have effect from
passage.

SECTION 1. The act entitled " An Act concerning the Fall River, Warren and Providence Railroad Company," approved February twenty-seventh, in the year one thousand eight hundred and sixty-five, shall have the same legal effect as if it had gone into operation upon the passage thereof.

SECTION 2. This act shall take effect upon its passage.

Approved March 10, 1865.

[1859, 40.]

Chap. 72.

AN ACT to establish the Boundary between the Towns of Marion and Wareham.

Be it enacted, &c., as follows :

Governor to
appoint com-
missioners.

SECTION 1. The governor is hereby authorized, by and with the advice of the council, to appoint three commissioners, whose duty it shall be, after having duly notified the clerks of the towns of Marion and Wareham, to investigate all matters in dispute relative to the boundary line between said towns where said towns join, commencing at a stone monument in the old Plymouth county road, so

called, at the corner of the towns of Rochester and Marion, and running southerly to the east side of Mendell's bridge, in Marion, to a bound established by chapter forty of the acts of the year eighteen hundred and fifty-nine. Said commissioners are authorized and required to establish and define, by proper monuments, said boundary line between said points in the said towns.

SECTION 2. The commission hereby established shall have full power to examine the premises, and to send for persons and papers, and shall submit a report of their doings to the next legislature. Report to be submitted to legislature.

SECTION 3. The expenses of said commissioners shall be borne equally by the towns of Marion and Wareham. Expense.

Approved March 11, 1865.

[1866, 16.]

AN ACT to incorporate the New England Steam Packet Company.

Chap. 73.

Be it enacted, &c., as follows :

SECTION 1. Daniel Deshon, Alouzo Farrar, Stevens G. Palmer, their associates and successors, are hereby made a corporation, by the name of the New England Steam Packet Company, with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force relating to such corporations. Corporators.
Name.
Powers and duties.

SECTION 2. Said corporation is hereby authorized and empowered to build, purchase, charter, hold and convey one or more steamships or steam-propellers, and to employ the same in the business of transporting passengers and freight between the port of Boston and any port, city or town in the state of New Hampshire. May build and hold steamships.

SECTION 3. The capital stock of said corporation shall be seventy-five thousand dollars, with liberty to increase the same by adding thereto an amount not exceeding one hundred and twenty-five thousand dollars, and shall be divided into shares of the par value of one hundred dollars each. Said corporation shall have power to assess, from time to time, upon said shares such sums as may be deemed necessary to accomplish its object, not exceeding the par value of said shares. No certificate of stock shall be issued until the par value thereof shall have been actually paid in, and no business shall be transacted by said corporation until at least forty thousand dollars of its capital stock shall have been subscribed. Capital stock.
Shares.
When stock may be issued and business commenced.

SECTION 4. If said corporation shall not, within one year from the passage of this act, have been organized and have collected by assessment an amount equal at least to fifty per To be organized within one year, and steamships employed within two years.

cent. of its capital stock subscribed, and shall not, within two years from the passage of this act, have one or more steamships or steam-propellers employed in the transportation of passengers and freight between said Boston and a port or ports in the state of New Hampshire, or if said corporation shall thereafter fail, for the period of one year, so to employ one or more steamships or steam-propellers in said business, then this act shall be null and void.

SECTION 5. This act shall take effect upon its passage.

Approved March 11, 1865.

[1865, 227.]

Chap. 75. AN ACT to incorporate the Proprietors of the Masonic Temple of Worcester.

Be it enacted, &c., as follows:

Corporators.

Name and purpose.

Powers and duties.

Real and personal estate.

SECTION 1. T. W. Wellington, G. W. Bentley, T. E. St. John, Ivers Phillips, Jerome Marble, their associates and successors, are hereby made a corporation, by the name of "The Proprietors of the Masonic Temple of Worcester," for the purpose of providing and maintaining a building in the city of Worcester, with rooms suitable for halls, public lectures, stores and offices; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or hereafter may be in force relating to such corporations.

SECTION 2. Said corporation may hold real and personal estate, for the purpose aforesaid, to an amount not exceeding two hundred thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved March 14, 1865.

Chap. 77. AN ACT to authorize the construction of a Marine Railway in Chatham.
Be it enacted, &c., as follows:

May construct marine railway at Chatham Stage Harbor.

Proviso.

James H. Tripp, Collins Howes, junior, Asa Nye, junior, and Oliver Eldredge, are hereby authorized to construct and maintain a marine railway in the harbor of the town of Chatham, at a place called Chatham Stage Harbor, and to extend the same into said harbor a distance of not more than two hundred feet from high-water mark: *provided, however,* that nothing in this act shall be so construed as to impair the legal rights of any person.

Approved March 15, 1865.

Chap. 78. AN ACT to incorporate the Carney Hospital.

Be it enacted, &c., as follows:

Corporators.

Ann Alexis Short, Ann Aloysia Reed, Andrea Corry, their associates and successors, are hereby made a corporation, by

the name of the Carney Hospital, for the purpose of maintaining a hospital in the city of Boston for the sick and disabled; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the general laws which now are or hereafter may be in force relating to such corporations: and for the purpose aforesaid said corporation may hold real and personal property to an amount not exceeding one hundred and fifty thousand dollars.

Name and purposes.

Powers and duties.

Real and personal estate.

Approved March 15, 1865.

[1863, 111.]

AN ACT to extend the Time for constructing the Wenham Lake Branch Railroad. *Chap. 79.*

Be it enacted, &c., as follows:

SECTION 1. The time for constructing the Wenham Lake Branch Railroad is hereby extended to the first day of April, in the year eighteen hundred and sixty-seven.

Time extended for construction.

SECTION 2. This act shall take effect upon its passage.

Approved March 16, 1865.

AN ACT to establish the Boundary Line between the Towns of Rochester and Wareham. *Chap. 80.*

Be it enacted, &c., as follows:

SECTION 1. The governor is hereby authorized, by and with the advice of the council, to appoint three commissioners, whose duty it shall be, after having duly notified the clerks of the towns of Rochester and Wareham, to investigate all matters in dispute relative to the boundary lines between the towns of Rochester and Wareham, where said towns join, and establish and define, by proper monuments, said boundary lines between the said towns: said commissioners shall have power to establish a conventional line between said towns, without regard to existing boundary lines, if they deem the same for the public interest.

Governor to appoint commissioners.

SECTION 2. The commission hereby established shall have full power to examine the premises, and send for persons and papers; and shall submit a report of their doings to the next legislature.

Report to be submitted to legislature.

SECTION 3. The expenses of said commission shall be borne equally by the towns of Rochester and Wareham.

Expense.

Approved March 16, 1865.

[1866, 21.]

[1861, 222; 1862, 66, 166; 1863, 33, 58, 79, 122, 176, 218, 222; 1864, 47, 48, 65, 84, 130, 143, 211, 292.]

Chap. 82. AN ACT in addition to the several Acts authorizing the Payment of Bounties to Volunteers.

Be it enacted, &c., as follows :

Sum due person
deceased may be
paid authorized
representative.

Proviso.

Governor may
pay full bounty
in certain cases
of disability.

Repeal.

SECTION 1. If any person entitled to receive state bounty, under the laws of this Commonwealth, shall die before receiving the same, the governor may, in his discretion, pay the same, or such portion as he may deem equitable, to such person as the deceased may in writing have ordered or requested: *provided*, that if the deceased shall leave a widow or children, no order or request shall be allowed beyond the actual amount of money advanced for or on the same to the deceased or his family.

SECTION 2. The governor is authorized, in his discretion, to pay the full amount of the state bounty to any soldier or sailor who has been or shall be discharged by reason of permanent disability contracted in the service, and who would otherwise be entitled to receive the same, notwithstanding such disability and discharge have occurred before six months' actual service under the enlistment upon which the bounty is payable.

SECTION 3. All acts and parts of acts inconsistent herewith are hereby repealed.

Approved March 16, 1865.

[1865, 151, 180, 235, 274; 1866, 172, 282; 1867, 136; 1868, 107, 115.]

Chap. 83. AN ACT to incorporate the Leominster Savings Bank.

Be it enacted, &c., as follows :

Corporators.

Name.

Powers and
duties.

John H. Lockey, James H. Carter, Leonard Burrage, their associates and successors, are hereby made a corporation, by the name of the Leominster Savings Bank, to be established in the town of Leominster; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the general laws that now are or may hereafter be in force relating to institutions for savings.

Approved March 16, 1865.

Chap. 84. AN ACT to incorporate the Trustees of the Pratt Free School.

Be it enacted, &c., as follows :

Corporators.

Name and pur-
pose.

Powers and du-
ties.

SECTION 1. Zebulon Pratt, Augustus Pratt, Nathan F. C. Pratt, Morrill Robinson, Elbridge G. Little and their successors, are hereby incorporated under the name of the Trustees of the Pratt Free School, to establish and maintain a school to be located in Titicut parish, in the town of Middleborough; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the general laws which now are or may hereafter be in force relating to such corporations.

SECTION 2. Said trustees may hold both real and personal estate, to an amount not exceeding fifty thousand dollars, to be devoted exclusively to educational purposes according to the intent of Enoch Pratt, of Baltimore, the founder of said school, as set forth in the third section of this act.

Real and personal estate.

SECTION 3. Said trustees shall maintain a free school in said Titicut parish, in the town of Middleborough, for youth of both sexes, during thirty-six weeks, at least, of each year, so long as the income of the funds and estate held by them is sufficient for that purpose. The qualifications of the pupils to be received, and the territorial extent of the school district, shall be determined by the trustees.

Free school to be maintained.

Powers of trustees.

SECTION 4. Any vacancies occurring in said board of trustees, may be filled by a majority vote of the remaining trustees, at any meeting called for that purpose: *provided*, that no person shall serve as a trustee who is not a resident of said Titicut parish.

Trustees may fill vacancies in board.

Proviso.

SECTION 5. The corporation heretofore established under the name of the Titicut Academy, in said town of Middleborough, is hereby authorized to transfer and convey to the trustees of the Pratt Free School all the real and personal estate which it now holds, and upon such transfer said Titicut Academy shall cease to have any further corporate existence: *provided*, that all the outstanding liabilities thereof shall be assumed by said trustees of the Pratt Free School, and that the rights of any creditor of said Titicut Academy shall not be affected thereby.

Corporation of Titicut Academy may convey estate to trustees of school, and shall cease to exist.

Proviso.

SECTION 6. This act shall take effect upon its passage.

Approved March 16, 1865.

[Special Laws, vol. 1, p. 200; 1836, 56.]

AN ACT concerning the Alewife Fishery in the Town of Wellfleet.
Be it enacted, &c., as follows:

Chap. 85.

The selectmen of the town of Wellfleet may, at the annual town meeting, sell the right to take alewives within the limits of said town, for any number of years not exceeding ten.

Selectmen may sell right to take alewives.

Approved March 16, 1865.

AN ACT to incorporate the Worcester Art Association.
Be it enacted, &c., as follows:

Chap. 86.

SECTION 1. George W. Richardson, J. Henry Hill, Henry H. Chamberlain, their associates and successors, are hereby made a corporation by the name of the Worcester Art Association, at Worcester, for the encouragement and promotion of the fine arts; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or hereafter may be in force relating to such corporations.

Corporators.

Name and purpose.

Powers and duties.

Real and personal estate.

SECTION 2. Said corporation may hold real and personal estate, for the purposes aforesaid, to an amount not exceeding fifty thousand dollars.

Approved March 16, 1865.

Chap. 87.

AN ACT to incorporate the Boston and Colonial Steamship Company.
Be it enacted, &c., as follows:

Corporators.

Name.

Powers and duties.

May own vessels and navigate ocean to certain ports.

May charter vessels to others.

Capital stock and shares.

Condition of issue of stock.

Corporation to organize and operate as prescribed or Act to become void.

SECTION 1. Franklin Snow, Orrin S. Sanders, Edward T. Russell, junior, their associates and successors, are hereby made a corporation by the name of the Boston and Colonial Steam-ship Company; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force relative to such corporations.

SECTION 2. Said corporation is hereby authorized and empowered to build, purchase, charter, hold and convey one or more steamships or steam-propellers, and to navigate the ocean therewith, and employ the same in transporting freight and passengers between any port or ports in this Commonwealth and any port or ports in the British Provinces, with liberty to touch at intermediate ports. And said company may let by charter one or more of their steamships or propellers to any person or persons, provided such charter does not prevent said company from complying with the terms of this act.

SECTION 3. The capital stock of said corporation shall not exceed five hundred thousand dollars, and shall be divided into shares of the par value of one hundred dollars each. Said corporation shall have power to assess from time to time upon said shares such sums as may be deemed necessary to accomplish its object, not exceeding the par value of said shares; and no certificate of stock shall be issued until the par value thereof shall have been actually paid in.

SECTION 4. If said corporation shall not, within one year from the passage hereof, have been organized and have collected by assessment an amount equal at least to fifty per cent. of its capital stock subscribed, and shall not within the same period have one or more steamships or steam-propellers employed in the transportation of passengers and freight between Boston or some other port in this Commonwealth and a port or ports in the British Provinces; or if said corporation shall thereafter fail, for the period of one year, so to employ one or more steamships or steam-propellers in said business, then this act shall be null and void.

SECTION 5. This act shall take effect upon its passage.

Approved March 16, 1865.

[1824, 79; 1853, 120.]

AN ACT to establish a Free Bridge over the North River, between the
Towns of Marshfield and Scituate. *Chap. 88.*

Be it enacted, &c., as follows :

SECTION 1. The turnpike, way, bridge, draws and piers belonging to the Little's Bridge Corporation, and lying in the towns of Scituate and Marshfield, are hereby laid out as and shall become a public highway on the first day of June next ; and no tolls shall be demanded or received for passing over the same on and after that date.

Ways and piers
of Little's Bridge
Co. made free.

SECTION 2. So much of said turnpike and way, excluding the abutments, bridge, draws and piers, as lies in each of said towns of Scituate and Marshfield, shall, on and after said first day of June next, be maintained by them respectively.

Maintenance of
ways.

SECTION 3. The supreme judicial court, or any justice thereof, upon application of said corporation, or of any ten legal voters of the county of Plymouth, shall appoint a board of commissioners, consisting of three disinterested persons, not residents of said county, whose duty it shall be, after having been sworn to the faithful performance thereof, and after due notice to all parties interested, and a hearing, to estimate, determine and award the amount to be paid to said corporation by said county of Plymouth, as damages for the laying out of said turnpike, way, bridge, draws and piers, as aforesaid, and for the land under and around them belonging to said corporation. Said commissioners shall also determine in what proportion and in what manner the said towns of Scituate and Marshfield shall defray the expenses of the maintenance and repairs of said abutments, bridge, draws and piers, and all other expenses properly incurred under the provisions of this act, not otherwise provided for herein ; and their determination and decree, or that of a major part of them, shall be made in writing and reported to the secretary of the Commonwealth, the chairman of the county commissioners for the county of Plymouth, the selectmen of each of the towns of Scituate and Marshfield aforesaid, and to the clerk of said corporation, within sixty days from the date of their appointment, and shall be binding upon said county and towns, severally, in all respects, except in the amount to be paid to said corporation as damages, in case it shall appeal to a jury from the award of said commissioners ; and if said corporation shall not within sixty days, after receiving the report of said commissioners as aforesaid, make its appeal to a jury then the award and decree of said commissioners shall be absolutely binding upon all the parties interested. The just fees and expenses of said commissioners shall be

S. J. Court, upon
application, to
appoint commis-
sion for award of
damages to cor-
poration.

Commissioners to
determine duties
and liabilities of
towns and report
decree.

Decree to be final
after sixty days.

Expense of com-
mission.

paid by such of the parties interested as the said commissioners shall decree.

In lieu of damages awarded corporation may have jury.

SECTION 4. In lieu of such damages as shall be awarded by said commissioners, said corporation shall have the right of appeal to a jury in the same manner, and subject to the same liability as to costs, as a party aggrieved by the doings of county commissioners in their estimation of damages, except that the application for a jury shall be made to the county commissioners of the county of Norfolk, within sixty days after the time of receiving the report of said commissioners, to be made to the clerk of said corporation. In case of such appeal, the jury shall be summoned from the county of Norfolk, and the cost properly incurred by the commissioners of the county of Norfolk on account of such appeal, and the amount awarded as damages and costs to said corporation, shall be paid by the county of Plymouth.

Jury to be of Norfolk; award and costs to be paid by Plymouth.

Selectmen of Scituate and Marshfield to have care of bridge, &c.

SECTION 5. The selectmen of the towns of Scituate and Marshfield shall, on and after the first of June next, have the care and superintendence of said abutments, bridge, draws and piers, and cause them to be kept in good repair, and safe and convenient for travel, and the passage of vessels, and shall provide a draw-tender and all necessary agents, and discharge all the duties hitherto incumbent upon said corporation relative to the care and maintenance of said abutments, bridge, draws and piers; and they shall also have the care and superintendence of any land or houses that may be obtained under the provisions of this act.

Towns respectively liable for defects.

SECTION 6. Liability for defects in said abutments, bridge, draws and piers, shall exist on the part of the towns in which they respectively lie, in like manner as in case of defects in town ways; and the damages and costs which may be recovered on account of such defects, shall be paid by said towns in such manner, and in such proportions as they shall be required to contribute for the repairs and maintenance thereof by the decree of said commissioners.

SECTION 7. This act shall take effect upon its passage.

Approved March 20, 1865.

[1868, 194.]

[1862, 154; 1864, 141.]

Chap. 89.

AN ACT concerning the Foxborough Branch Railroad Company.
Be it enacted, &c., as follows:

May unite with Boston and Providence and Taunton Branch Companies.

The Foxborough Branch Railroad Company is hereby authorized to enter with its road upon or unite the same with and use the roads of the Boston and Providence Railroad Company and of the Taunton Branch Railroad Company; and the Boston and Providence Railroad Company and the Taunton Branch Railroad Company are hereby

authorized to enter, respectively, with their roads upon or unite the same with and use the road of the Foxborough Branch Railroad Company.

Approved March 22, 1865.

[1866, 3; 1867, 83.]

AN ACT to incorporate the Accident Insurance Company.

Chap. 91.

Be it enacted, &c., as follows :

SECTION 1. James B. Dow, Benjamin French, James H. Freeman, their associates and successors, are hereby made a corporation, by the name of The Accident Insurance Company, for the purpose of insuring persons against accidental loss of life, and against personal injuries sustained by casualties and accidents of all kinds.

Corporators.

Name and purpose.

SECTION 2. Said corporation shall be located in Boston, in the county of Suffolk, and shall have a capital stock of one hundred thousand dollars, with the privilege of increasing it to three hundred thousand dollars, to be divided into shares of one hundred dollars each; and said corporation may issue policies and commence business, after the same shall have been duly organized, and the whole amount of the capital stock shall have been paid in cash, and shall be subject to all laws that now are, or may hereafter be in force relative to insurance companies.

Location.

Capital stock.

Issue of policies.

SECTION 3. The directors may make all such necessary regulations as to proof of losses and payment thereof as may be required in the prosecution of the business of the corporation, but said corporation shall not insure any one person in a sum exceeding five thousand dollars.

Powers of directors.

Approved March 22, 1865.

[1858, 17.]

AN ACT in addition to an Act to incorporate the Dorchester Fire Insurance Company.

Chap. 92.

Be it enacted, &c., as follows :

SECTION 1. The Dorchester Fire Insurance Company is hereby authorized to remove its office and be established in Boston, and may increase its capital stock to an amount not exceeding five hundred thousand dollars.

May remove to Boston and increase capital stock.

SECTION 2. Said company may take the name of the Sun Insurance Company, and insure against the perils of the sea and other perils usually insured against by marine insurance companies, and make all and every insurance appertaining to or connected with marine risks and risks of inland navigation and transportation, and make such insurance whenever the sum of two hundred and fifty thousand dollars capital shall have been actually paid in.

May change name and take marine risks.

Capital to be paid in.

Directors may give policy-holders dividend of net profits.

SECTION 3. A majority of the board of directors of the company may at their discretion at any time, give the holders of the policies of the company the right to participate in the net profits of the company to such extent, in such manner and upon such terms and conditions as they shall prescribe in their by-laws.

Approved March 22, 1865.

Chap. 93. AN ACT to authorize Thomas Niles to extend his Wharf in Gloucester.
Be it enacted, &c., as follows :

May extend wharf 200 feet beyond low-water mark.

Thomas Niles, proprietor of a wharf in Gloucester, is hereby authorized to extend and maintain said wharf to a point not exceeding two hundred feet beyond low-water mark, with the right to lay vessels at the end and sides of said wharf and receive wharfage and dockage therefor: *provided, however*, that if a channel line is hereafter duly established by authority of law in the harbor of said Gloucester, said wharf shall not be maintained beyond said line; and *provided, further*, that this grant shall in no wise impair the legal rights of any person.

Approved March 22, 1865.

Chap. 94. AN ACT to authorize Nathaniel Lewis to build a Wharf in Provincetown.
Be it enacted, &c., as follows :

May extend wharf to low-water mark.

Nathaniel Lewis, owner of land and flats in Provincetown, is hereby authorized to build and maintain a wharf in the harbor of said Provincetown, adjacent to his land and flats aforesaid, and extending to low-water mark in said harbor, with a right to lay vessels at the end and sides of said wharf, and receive wharfage and dockage therefor: *provided, however*, that if a commissioners' line is hereafter duly established by authority of law in the harbor of said Provincetown, said wharf shall not be maintained beyond such line; and *provided, also*, that this grant shall in no wise impair the legal rights of any person.

Approved March 22, 1865.

Chap. 95. AN ACT to authorize the Society of the West Precinct of Needham to sell and convey Real Estate and Personal Property.

Be it enacted, &c., as follows :

May sell meeting-house to Wellesley Congregational Society.

SECTION 1. The parish in Needham called the West Precinct, is hereby authorized to sell and convey to the Wellesley Congregational Society, in Needham, by a suitable deed, and upon such conditions as may be expressed therein, the parish meeting-house of said West Precinct, and all the other real estate and personal property belonging to the said parish.

Clerk and treasurer authorized to convey.

SECTION 2. The clerk and treasurer of said parish are authorized to convey the said real estate and personal property.

SECTION 3. This act shall take effect upon its passage.

Approved March 24, 1865.

AN ACT to incorporate the Boston Children's Aid Society.

Chap. 97.

Be it enacted, &c., as follows:

SECTION 1. Charles G. Loring, George Bemis, Francis C. Lowell, Charles F. Barnard, James Freeman Clarke, Marshall S. Scudder and James Tolman, their associates and successors, are hereby made a corporation by the name of the Boston Children's Aid Society, for the purpose of providing temporary homes for vagrant, destitute and exposed children, and those under criminal prosecution, of tender age, in the city of Boston and its vicinity, and of providing for them such other or further relief as may be advisable, to rescue them from moral ruin; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the general laws that now are or may hereafter be in force in relation to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. All persons who were members of the association known as the Boston Children's Aid Society, before the passage of this act, and whose names, by their consent, shall be entered as members upon the records of this corporation, shall be members thereof; and members of this corporation shall hereafter be eligible in such manner as the by-laws thereof shall provide.

Members of former association to be members of corporation.

SECTION 3. The directors of the said corporation shall consist of a president, three vice-presidents, a treasurer, a clerk, and not less than nine nor more than twenty other members, who shall be chosen by ballot at the first meeting, and subsequently at each annual meeting; and all officers, except those first chosen, shall hold their offices for one year and until others shall be chosen in their stead.

Government of society, designation, election and tenure of offices.

SECTION 4. The directors shall have authority, at their discretion, to receive into their asylum or care such children of tender age as they may deem suitable objects of the charity intended by this institution; and also to accept a surrender, in writing, by the father, or where there is no father having his legal domicil within the Commonwealth, by the mother, or where there is no father nor mother having such domicil, by the guardian, of any child or children, to the care and direction of said institution; and also to take and receive into the charge of the said institution any children, being destitute of parents having such domicil, or of legal guardians, in the Commonwealth; or being deserted by their parents or guardians, in such manner as to have no regular home provided for them, under the custody and care of such parents or guardians; and to bind out in virtuous families, until the age of twenty-one years, any boy or boys, and until the age of eighteen years, any girl or girls, thus surrendered,

Directors may receive children and accept surrender from parent or guardian.

May take charge of children deserted or without homes.

May bind out in families.

Parent may receive child upon payment of expense incurred.

thus destitute or thus deserted, and taken or received under their charge: *provided, however*, that any parent whose child or children, during the absence of such parent from this Commonwealth, shall have received relief and support, or been bound out as aforesaid, shall have liberty, on his or her return, to receive such child or children, upon paying to the treasurer of said institution the expense incurred in his or their support or care as aforesaid.

Child surrendered to institution or deserted, directors may allow adoption upon petition to probate court.

SECTION 5. The directors shall have authority to consent to the adoption of any child which shall have been surrendered to the institution as aforesaid, by any person suitable and competent for the nurture and rearing of such child, upon his or her petition to the probate court, in the county of his or her residence, made conformably to the provisions of the one hundred and tenth chapter of the General Statutes; and shall in like manner have authority to consent to such adoption of any child destitute or deserted as aforesaid, taken under the charge and protection of said institution, not having any parent or guardian having a legal domicile within the Commonwealth, or either of whose parents is insane, or imprisoned in the state prison or house of correction under a sentence for a term of not less than three years, or who has wilfully neglected to provide proper care and maintenance for the child for six months preceding the time of filing the petition. And such consent of said directors in writing, in either or any of the cases aforesaid, shall have the same legal effect as the written consent of the parents of such child, or of the survivor of them, would have had if living and so consenting. And any decree of adoption made by such probate court upon such consent of the directors, shall have the same effect to all intents and purposes as if the same had been made conformably to the provisions of said act, with the written consent of the parents or surviving parent of such child; saving, however, to such parent or parents, who had not surrendered it to the institution as aforesaid, and who had not, before the hearing upon such petition, actual notice thereof, the right at any time within one year after actual notice of such adoption, to apply to the supreme judicial court for the reversal of the decree of adoption, if upon a hearing, after due notice to the parties interested, the said court shall be satisfied that any material allegation in the petition was untrue, and that in its discretion the decree ought to be reversed.

Authority of directors defined.

S. J. Court may reverse decree of indenture upon application of parent.

Directors may establish by-laws for institution.

SECTION 6. The directors shall have authority to establish any rules and by-laws for their action by committees in the premises, or otherwise, and for regulating the proceedings of

the board, and for the management of the concerns of said institution, not repugnant to the laws of the Commonwealth or the by-laws and orders of said institution.

SECTION 7. Said corporation may, for the purposes aforesaid, hold real and personal estate not exceeding one hundred thousand dollars. Real and personal estate.

SECTION 8. Any one of the persons named in the first section of this act is hereby authorized to call the first meeting of the corporation. Authority to call first meeting.

Approved March 24, 1865.

[1868, 150.]

AN ACT to incorporate the Baldwin Place Home for Little Wanderers. **Chap. 98.**
Be it enacted, &c., as follows:

SECTION 1. J. Warren Merrill, Franklin Snow, Isaac Rich, their associates and successors, are hereby made a corporation, by the name of the Baldwin Place Home for Little Wanderers in the city of Boston, for the purpose of rescuing destitute children from want and shame, providing them with food and clothing, giving them instruction for the mind and heart, and placing them, with the consent of their parents or legal guardians, in christian homes; also, at the discretion of the managers for the purpose of affording relief to the destitute, in connection with the families of poor children, and furnishing moral and religious culture to the ignorant and neglected; with all the powers and privileges, and subject to all the duties, liabilities and restrictions, set forth in the general laws which now are or may hereafter be in force relative to such corporations: and for the purposes aforesaid, such corporation may take and hold real and personal property to an amount not exceeding one hundred thousand dollars. Corporators.
Name and purpose.
Powers and duties.
Real and personal estate.

SECTION 2. The number of managers of this institution shall not be more than fifteen, nor less than ten; and such managers may be elected, from time to time, in accordance with the constitution and by-laws of the corporation, to fill vacancies as they may occur, either from death, resignation or removal from the Commonwealth. Managers of institution, number and how chosen.

SECTION 3. This act shall take effect upon its passage.

Approved March 24, 1865.

AN ACT to incorporate the Trustees of the College of the Holy Cross. **Chap. 99.**
Be it enacted, &c., as follows:

SECTION 1. James Clark, Charles Fulmer, James C. Moore, Charles F. Kelly, Livy Vigilante, their associates and successors, are hereby constituted a body corporate, by the name of the Trustees of the College of the Holy Cross, in the city of Worcester, and they and their successors, and such as shall be duly elected members of such corporation, shall be and Corporators to be trustees.
Name.
Location.

May elect officers
and declare du-
ties and tenures.

May supersede
trustees.

Proviso.

General powers of
trustees.

May establish
corporate seal.

May sue and be
sued.

May hold real and
personal estate.

Income of estate,
how to be appro-
priated.

remain a body corporate by that name forever; and for the orderly conducting of the business of said corporation, the said trustees shall have power and authority, from time to time, as occasion may require, to elect a president, vice-president, secretary, treasurer, and such other officers of said corporation as may be found necessary, and to declare the duties and tenures of their respective offices, and also to remove any trustee from the corporation when, in their judgment, he shall be rendered incapable, by age or otherwise, of discharging the duties of his office, or shall neglect or refuse to perform the same, and also, from time to time, to elect new members of said corporation: *provided*, that the number of members shall never be less than five, nor more than eleven.

SECTION 2. The said corporation shall have power and authority to determine at what times and places their meetings shall be holden, and the manner of notifying the trustees to convene such meetings, and also, from time to time, to elect a president of said college, and such professors, tutors, instructors, and other officers of the said college, as they shall judge most for the interest thereof, and to determine the duties, salaries, emoluments, responsibilities and tenures of their several offices; and the said corporation is further empowered to purchase or erect and keep in repair such houses and other buildings as it shall judge necessary for said college, and to confer such degrees as are conferred by any college in this Commonwealth, except medical degrees: *provided, nevertheless*, that no corporate business shall be transacted at any meeting unless a majority of the trustees are present.

SECTION 3. Said corporation may have a common seal, which it may alter or renew at pleasure, and all deeds sealed with the seal of said corporation, and signed by its order, shall, when made in the corporate name, be considered in law as the deeds of said corporation; and said corporation may sue and be sued in all actions, real, personal or mixed, and may prosecute the same to final judgment and execution by the name of the Trustees of the College of the Holy Cross; and said corporation shall be capable of taking and holding in fee simple or any less estate, by gift, grant, bequest, devise or otherwise, any lands, tenements, or other estate, real or personal, to an amount not exceeding three hundred thousand dollars.

SECTION 4. The clear rents and profits of all the estate, real and personal, of which the said corporation shall be seized or possessed, shall be appropriated to the endowment

of said college in such manner as shall best promote virtue, piety and learning in such of the languages and of the liberal and useful arts and sciences as shall be recommended from time to time by the said corporation, conforming, however, to the will of any donor or donors in the application of any estate which may be given, devised or bequeathed for any particular object connected with the college; and no misnomer of the said corporation shall defeat or annul any donation, gift, grant, devise or bequest, to or from the said corporation.

Will of donors to be observed.

SECTION 5. The legislature of this Commonwealth may alter, limit, restrain or annul any of the powers vested by this act in the said corporation as shall be deemed necessary, and more especially may appoint overseers or visitors of the said college, with all necessary powers for the better aid, preservation and government thereof.

Reserved power of legislature defined.

SECTION 6. The granting of this charter shall never be considered as any pledge on the part of the Commonwealth that pecuniary aid shall hereafter be granted to the college.

Charter not to be deemed pledge of pecuniary aid.

Approved March 24, 1865.

[Old Colony, 1844, 150; 1845, 120, 126, 226, 241; 1846, 178; 1847, 85; 1848, 84; 1849, 163, 169, 195, 237; 1850, 260, 268; 1852, 124. Fall River, 1844, 100; 1845, 226, 234; 1846, 259; 1847, 210; 1849, 169, 198, 212; 1852, 67. O. C. & F. R., 1854, 198, 203, 324; 1858, 171; 1863, 238; 1864, 18. Boston Harbor, 1860, 137.]

AN ACT concerning the Old Colony and Newport Railway Company. *Chap. 102*
Be it enacted, &c., as follows:

SECTION 1. So much of chapter one hundred and thirty-seven of the acts of the year eighteen hundred and sixty-one as authorizes and requires the Old Colony and Fall River Railroad Company, now known as the Old Colony and Newport Railway Company, to raise the grade of Fourth Street, in the city of Boston, and to construct its railroad under said street, is hereby repealed, and the said company is hereby authorized to construct its railroad across said Fourth Street at grade.

Repeal of requirement in Act of '61.

May construct over Fourth Street in Boston.

SECTION 2. The board of aldermen of the city of Boston shall have the same powers in respect to said crossing as they now have by law where railroads cross highways at grade within the limits of said city.

Mayor and aldermen, powers defined.

SECTION 3. This act shall take effect upon its passage.

Approved March 24, 1865.

[1866, 97; 1867, 74, 170, 206, 271; 1868, 122, 189.]

AN ACT to incorporate the Wood's Hole Railroad Company. *Chap. 103*
Be it enacted, &c., as follows:

SECTION 1. Alexander Baxter, Nathaniel Hinckley, George Marston, their associates and successors, are hereby made a

Corporators.

Name.	corporation, by the name of the Wood's Hole Railroad Com-
Powers and duties.	pany; with all the powers and privileges, and subject to all the duties, restrictions and liabilities contained in the general laws that now are or may hereafter be in force relative to railroad corporations.
Construction: commencement of line and terminus.	SECTION 2. Said corporation is hereby authorized to locate, construct and maintain a railroad, with one or more tracks, commencing at a point in the town of Barnstable, near the West Barnstable station of the Cape Cod Railroad Company, thence running in a westerly direction through the villages of Marston's Mills and Cotuit, and the district of Marshpee, and near the village of Waquoit, and through the town of Falmouth, to and into tide-water at Wood's Hole Harbor, in said Falmouth; with the right to build and maintain, in tide-water in said harbor, such wharf or wharves as may be necessary for the convenient transshipment of freight and passengers at that place.
May maintain wharves.	
Capital stock.	SECTION 3. The capital stock of said company shall be four hundred thousand dollars, and shall be divided into shares of one hundred dollars each.
May unite with Cape Cod Railroad Company.	SECTION 4. Said company is hereby authorized to enter upon and unite its railroad with the railroad of the Cape Cod Railroad Company, at or near West Barnstable station, and to use the Railroad of said Cape Cod Railroad Company, upon the terms provided by the general laws of the Commonwealth.
Location to be filed in three years and road completed in five years.	SECTION 5. This act shall be void if the location of the railroad herein authorized shall not be filed with the county commissioners of the county of Barnstable within three years, and if said railroad is not completed within five years after the passage of this act. <i>Approved March 24, 1865.</i>

[1861, 196.]

Chap. 104

AN ACT concerning the Vineyard Sound Railroad Company.

*Be it enacted, &c., as follows:***Charter revived.**

An act to incorporate the Vineyard Sound Railroad Company, passed on the eleventh day of April in the year eighteen hundred and sixty-one, is hereby revived and confirmed: *provided*, said corporation shall be organized within one year, and shall file its location within two years, and complete the construction of its railroad within four years, from the passage of this act. *Approved March 27, 1865.*

Proviso.

[1867, 102; 1868, 86, 122.]

[Special Laws, vol. 1, p. 118.]

AN ACT to amend the Charter of the Scots Charitable Society.

Chap. 105

Be it enacted, &c., as follows :

Section four of the act passed on the sixteenth day of March in the year seventeen hundred and eighty-six, entitled an act for incorporating certain persons by the name of the Scots Charitable Society, is hereby repealed.

Approved March 27, 1865.

AN ACT to incorporate the Trustees of St. Mark's School.

Chap. 106

Be it enacted, &c., as follows :

SECTION 1. Joseph Burnett, Isaac F. Redfield, Josiah G. Abbott, their associates and successors, are hereby constituted a body corporate, under the name of the Trustees of St. Mark's School, for the purpose of establishing and maintaining a school for the education of boys, to be located in the town of Southborough; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws which now are or may hereafter be in force relating to such corporations.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. Said board of trustees shall consist of not less than seven nor more than thirteen members, and shall have power to fill vacancies in their own number: *provided*, that no corporate business shall be transacted at any meeting of said board unless a majority of the trustees are present.

Trustees, number of: may fill vacancies.

Majority required for corporate business.

SECTION 3. Said corporation may hold real and personal estate to an amount not exceeding one hundred thousand dollars, to be devoted exclusively to educational purposes, as provided in this act.

Real and personal estate for educational use.

SECTION 4. This act shall take effect upon its passage.

Approved March 27, 1865.

AN ACT to incorporate the Dean Academy.

Chap. 107

Be it enacted, &c., as follows :

SECTION 1. A. St. John Chambré, George S. Weaver, Theodore K. Taylor, their associates and successors, are hereby made a corporation by the name of the Dean Academy in the town of Franklin; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in the general laws which now are, or hereafter may be in force relating to such corporations.

Corporators.

Name.

Powers and duties.

SECTION 2. Said corporation may hold real and personal estate to the amount of one hundred and fifty thousand dollars, to be devoted exclusively to the purposes of education.

Real and personal estate for educational use.

SECTION 3. This act shall take effect upon its passage.

Approved March 27, 1865.

[1864, 108, 120.]

Chap. 108 AN ACT to authorize Towns and Cities to raise and expend Money for Recruiting Purposes.*Be it enacted, &c., as follows :*Act of '64, ch.
120, to apply to
U. S. calls until
March '66.May anticipate
calls.

SECTION 1. The provisions of chapter one hundred and twenty of the acts of eighteen hundred and sixty-four, are hereby extended, and shall apply to any call or order for volunteers for the military service, issued by the president of the United States before the first day of March, in the year eighteen hundred and sixty-six; and any town or city may raise and apply money, under the provisions and limitations of said act, in anticipation of any such call.

SECTION 2. This act shall take effect upon its passage.

*Approved March 27, 1865.***Chap. 109** AN ACT to cede Jurisdiction to the United States over Winter Island, in Salem Harbor.*Be it enacted, &c., as follows :*Jurisdiction
ceded to the
United States.

Proviso.

SECTION 1 Jurisdiction is hereby granted and ceded to the United States of America over all that portion of Winter Island, in Salem Harbor, lying above low-water mark, which may at any time have been acquired by the United States by deed from the municipal authorities of Salem for military purposes, including the present Fort Pickering and buildings connected therewith: *provided*, that a general plan of said premises shall be filed with the secretary of this Commonwealth within one year after the passage of this act; and *provided, also*, that this Commonwealth shall retain concurrent jurisdiction with the United States in and over all the lands aforesaid, so far as that all civil and criminal processes issuing under the authority of this Commonwealth may be executed on said lands, and in any buildings thereon or to be erected thereon, in the same way and manner as if jurisdiction had not been granted as aforesaid.

SECTION 2. This act shall take effect upon its passage.

Approved March 28, 1865.

[1823, 1; 1824, 123.]

Chap. 110 AN ACT in addition to an Act to incorporate the Bunker Hill Monument Association.*Be it enacted, &c., as follows :*May re-build
Beacon Hill
Monument.

SECTION 1. The Bunker Hill Monument Association is hereby authorized, on some suitable site to be selected and provided by them, to rebuild the Beacon Hill Monument which was, in the year seventeen hundred and ninety, built by the citizens of Boston "to commemorate that train of events which led to the American Revolution, and finally secured Liberty and Independence to the United States,"

and to take such legal and proper measures as may be necessary to effect their object: *provided*, that said association shall not be authorized to rebuild said monument on any land belonging to the city of Boston, without the consent of its public authorities first obtained. Proviso.

SECTION 2. For the purpose expressed in the foregoing section the said Bunker Hill Monument Association is hereby authorized to take and receive the four tablets or inscriptions formerly composing a part of said Beacon Hill Monument, now in the doric hall of the state house; and the sergeant-at-arms for the time being is authorized and empowered to deliver the same to said association, its committee or agent, whenever he is satisfied said tablets are to be used in rebuilding said monument, and are required for that purpose. May receive tablets in Doric hall of state house.

Sergeant-at-arms to deliver upon conditions.

Approved March 28, 1865.

[1862, 97.]

AN ACT to authorize the New Haven and Northampton Company to extend its Railroad and connect its Tracks with the Connecticut River Railroad. Chap. 112

Be it enacted, &c., as follows:

SECTION 1. The New Haven and Northampton Company is hereby authorized to relocate, extend and construct its railroad in the town of Northampton, from a point within its present location, and within three hundred feet of the southerly side of Pleasant Street, in said town, and over said Pleasant Street and Main Street at grade to a point on the lands of said company northerly of said Main Street; with power to make a convenient connection for the interchange of cars with the Connecticut River Railroad, at some point on the west track of said Connecticut River Railroad opposite the lot called the "passenger house lot" of the New Haven and Northampton Company, at which point the Connecticut River Railroad Company shall maintain a switch for the purpose of said connection: *provided, however*, that the said New Haven and Northampton Company shall not lay any track within seventy-eight feet of the west corner of the passenger house of the Connecticut River Railroad Company, as it now stands, nor within sixty feet of the northerly corner post of the north baggage shed of the said Connecticut River Railroad Company: *provided, also*, that the easterly line of the location of said New Haven and Northampton Company across the lands of said Connecticut River Railroad Company, shall be parallel to and not more than ten feet distant from the main track to be located as above. May relocate in Northampton.

May connect with Conn. River Railroad.

Proviso

SECTION 2. This act shall take effect upon its passage.

Approved March 29, 1865.

[N. H. & N. 1866, 66; 1867, 159. C., 1866, 141; 1867, 297.]

Chap. 114 AN ACT authorizing the Payment of a Salary to the Register of Deeds for the County of Dukes County.

Be it enacted, &c., as follows :

County commis-
sioners may pay
salary.

SECTION 1. The county commissioners of the county of Dukes county are hereby authorized to pay the register of deeds of said county an annual salary of two hundred dollars, the same to be in addition to his fees as now provided by law, and to be paid from the county treasury.

Repeal.

SECTION 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION 3. This act shall take effect upon its passage.

Approved March 30, 1865.

Chap. 116 AN ACT to incorporate the Boston Labor Reform Association.

Be it enacted, &c., as follows :

Corporators.

Name and pur-
pose.

Powers and du-
ties.

Real and personal
estate.

SECTION 1. Ira Steward, Bartlett J. Brown, George M. Mills, their associates and successors, are hereby made a corporation by the name of the Boston Labor Reform Association, for the purpose of improving the condition of the mechanic and laboring classes in their various occupations, by imparting scientific and practical knowledge of the same, and promoting their general improvement by the diffusion of knowledge through lectures, libraries, and such other means as may be applicable, in the city of Boston ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in the general laws which now are or hereafter may be in force relating to such corporations.

SECTION 2. Said corporation may hold real and personal estate to the amount of twenty-five thousand dollars, to be devoted exclusively to the purposes aforesaid.

SECTION 3. This act shall take effect upon its passage.

Approved March 30, 1865.

Chap. 117 AN ACT to incorporate the Wamesit Power Company.

Be it enacted, &c., as follows :

Corporators.

Name and pur-
pose.

Powers and du-
ties.

SECTION 1. Gilman Kimball, Harrison Flint and Benjamin F. Butler, their associates and successors, are hereby made a corporation by the name of the Wamesit Power Company, for the purpose of managing, improving, using, selling and leasing to other persons and corporations power derived from water to be drawn by a canal from a head maintained by a dam across Concord River, near the Lowell cemetery, and by the use of steam-engines for like purposes ; and to use steam and water power for mechanical and manufacturing purposes ; with all the powers and privileges, and subject to all duties and liabilities given or imposed by general laws passed or to be passed, and applicable to like corporations.

SECTION 2. Said corporation may hold for the purposes aforesaid, real estate not exceeding three hundred thousand dollars in value, and personal estate to the value of two hundred thousand dollars. Real and personal estate.

SECTION 3. The capital stock of said company shall not be less than one hundred and fifty thousand dollars; and may be increased from time to time to an amount not exceeding five hundred thousand dollars, and shall be divided into shares of one hundred dollars each. Capital stock. Shares.

SECTION 4. This act shall take effect upon its passage.

Approved March 30, 1865.

[1861, 63; 1862, 32; 1863, 97; 1864, 284.]

AN ACT in relation to the Salem and South Danvers Railroad Company. *Chap. 118*
Be it enacted, &c., as follows:

SECTION 1. The time allowed to the Salem and South Danvers Railroad Company for extending its railway into the towns of Marblehead, Swampscott, Danvers and Lynn, and for the further laying of its tracks in Salem and South Danvers, under the provision of chapter two hundred and eighty-four of the acts of the year eighteen hundred and sixty-four, and for exercising all other powers granted by said act, is hereby extended to the first day of January in the year eighteen hundred and sixty-seven. Powers under Act of '62 extended to Jan. '67.

SECTION 2. Said railroad company may, by a vote of the stockholders at a meeting duly holden for that purpose, lease its real estate, tracks, franchise and rights, to any person or persons, or to any other horse railroad company, for such term of years as may be agreed upon by the contracting parties. Corporation may lease franchise and property.

SECTION 3. This act shall take effect upon its passage.

Approved March 30, 1865.

[1865, 201; 1867, 6.]

AN ACT to incorporate the Franklin Telegraph Company. *Chap. 119*
Be it enacted, &c., as follows:

SECTION 1. James W. Brown, Charles H. Burd, James H. Freeman, their associates and successors, are hereby made a corporation, by the name of the Franklin Telegraph Company, for the purpose of constructing and using, purchasing and connecting with lines of telegraph within this Commonwealth and elsewhere within the United States, and also for manufacturing and selling Burd's patent telegraph instruments; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws that now are or hereafter may be in force relating to such corporations. Corporators. Name and purpose. Powers and duties.

Real and personal estate.

Capital stock and shares.

Conditions of validity of Act after two years.

Rates of toll.
Proviso.

SECTION 2. Said corporation may hold such real and personal estate as may be necessary for the purposes aforesaid; but the whole capital stock shall not exceed five hundred thousand dollars, to be divided into shares of one hundred dollars each.

SECTION 3. If within two years from the passage of this act, at least one hundred thousand dollars shall not have been subscribed, and paid in cash, on said capital stock, and at least two hundred miles of telegraph lines, forty thereof in this Commonwealth, shall not have been constructed by said corporation, or if the franchise, charter, or any portion of the telegraph line of the said corporation shall be sold or offered for sale, to any existing telegraph company, or to any person or association of persons, before the conditions of this section shall have been complied with, then this act shall be void.

SECTION 4. The legislature may, from time to time, alter or reduce the rates of toll charged by said corporation: *provided*, said tolls shall not, without the consent of said corporation, be so reduced as to produce a clear net profit of less than ten per cent. a year on the capital actually paid in.

Approved March 30, 1865.

[1867, 182.]

[L. M. F. 1817, 25; 1845, 112.]

Chap. 120 AN ACT to unite the Second Congregational Society and the First Universalist Society in Lexington.

Be it enacted, &c., as follows:

May consolidate under name of Church of the Redeemer.

SECTION 1. The Second Congregational Society and the First Universalist Society in Lexington are hereby authorized, whenever the members of said corporations, at meetings called for that purpose, shall so vote, to unite themselves in one corporation, to be called the Church of the Redeemer; and when such votes shall have been passed by said corporations, they shall thereupon become one corporation, with the name aforesaid; and all the powers, privileges, franchises and property now enjoyed and possessed by said two corporations shall appertain to and vest in such new corporation.

New corporation may sell one meeting-house.

SECTION 2. Said new corporation is hereby authorized to sell and dispose of one of the meeting-houses now owned by said corporations, and the land connected with and belonging thereto, and may authorize any officer of said new corporation to execute the necessary deeds of conveyance.

Lexington Ministerial Fund, new church to be paid income.

SECTION 3. The trustees of the Lexington Ministerial Fund shall pay to the treasurer of the Church of the Redeemer the same proportion of the annual income of said fund which has heretofore been paid to the two societies

aforesaid, until a new apportionment of such income shall be made, according to the provisions of section five of chapter one hundred and twelve of the acts of the year eighteen hundred and forty-five.

SECTION 4. Whenever any vacancy shall occur in the office of trustee of said fund, it shall be filled by an election by ballot, at a meeting of the members of the society in which such vacancy shall occur.

Vacancies in trustees to be filled by respective societies.

SECTION 5. All acts and parts of acts heretofore passed inconsistent with the provisions of this act are hereby repealed.

Repeal.

SECTION 6. This act shall take effect upon its passage.

Approved March 30, 1865.

[1864, 313.]

AN ACT to establish the Massachusetts War Fund, and to create a Sinking Fund for its Redemption. *Chap. 122*

Be it enacted, &c., as follows:

SECTION 1. For the purpose of providing for the unfunded debt of the Commonwealth, now existing, or that may be incurred by the payment of bounties, or other expenses, on account of the war, a fund additional to the Massachusetts bounty fund, authorized by chapter three hundred and thirteen of the acts of the year eighteen hundred and sixty-four, is hereby established, to be called the Massachusetts War Fund, in either of which funds, as the governor and council may determine, the aforesaid debt, not otherwise provided for, may be funded.

War fund established, to be used in lieu of bounty fund, by executive.

SECTION 2. For the purposes of this act, the treasurer and receiver-general is hereby authorized to issue scrip, or certificates of debt, in the name and on the behalf of the Commonwealth, and under his signature and the seal of the Commonwealth, to an amount not exceeding ten millions of dollars, for a term not less than five years nor more than twenty years: *provided, however*, that scrip issued for a longer term than five years shall be redeemable at any time after the expiration of five years, at the option of the Commonwealth. Said scrip or certificates of debt shall be issued as registered bonds, or with interest coupons attached, and shall bear interest not exceeding six per cent., payable in the lawful money of the United States, semi-annually, on the first days of March and September in each year. Such scrip, or certificates of debt, shall be countersigned by the governor, and shall be deemed a pledge of the faith and credit of the Commonwealth, redeemable at the time specified, in the lawful money of the United States, and shall be sold and disposed of at public auction, or in such other mode, and at

Treasurer may issue scrip for ten millions.

Proviso: redemption.

Issue to be as registered bonds, or with coupons, at 6 per cent., and disposed as governor and council may direct.

such time and in such pieces and amounts, as the governor and council shall deem for the best interest of the Commonwealth.

Sinking fund,
established :

First, dividends
on Western Rail-
road shares.

Second, receipts
of sales Back Bay
lands.

Third, deficiency,
if any, by taxa-
tion.

Fund, with in-
terest, becoming
sufficient for re-
demption, tax
may be omitted.

SECTION 3. For the payment of the scrip or certificates of debt issued under authority of this act, a sinking fund is hereby established, to be composed as follows: *First*, of all dividends which may be received upon such shares in the Western Railroad as the Commonwealth may hold pledged to the debt extinguishment fund when the same shall not be required under the provisions of chapter three hundred and thirteen of the acts of eighteen hundred and sixty-four; and in case said shares shall at any time be sold to meet the payments of the debts for which they are pledged to the said debt extinguishment fund, then the excess of proceeds above the amount necessary for such liquidation, shall constitute a part of the sinking fund established by this act, unless the same shall be required under the provisions of chapter three hundred and thirteen of the acts of eighteen hundred and sixty-four; *second*, when the same shall not be required under the provisions of chapter three hundred and thirteen of the acts of eighteen hundred and sixty-four, of all the receipts from the sales of back bay lands, less the expense of commissioners, and of filling and preparing the lands for sale, and including that portion now by law payable to the Massachusetts school fund, as soon as said school fund shall have reached the amount of two millions of dollars, and also all the net receipts from sales of other public lands or flats not already appropriated for specific purposes; *third*, if the receipts from these sources do not, in any fiscal year, amount to a sum equal to five per cent. of the total amount of scrip or certificates of debt issued under authority of this act, then there shall be raised by taxation in the following year, a sum equal to the difference between the amount of said receipts and five per cent. of the scrip or certificates of debt issued under this act: *provided*, that said tax may be omitted after the fund herein created shall have amounted to a sum which, with its accumulations of interest, will be sufficient to pay the scrip at maturity, and the sum so raised from year to year, together with its accumulations of interest, shall be pledged and held as the sinking fund hereby established, to be invested, as is now or may hereafter be provided by law for the investment of trust funds, and used for the redemption and payment of said scrip or certificates of debt.

SECTION 4. This act shall take effect upon its passage.

Approved April 1, 1865.

[1865, 284.]

AN ACT to change the Time of holding Probate Courts in the County of **Chap. 123**
Hampden.

Be it enacted, &c., as follows :

SECTION 1. Probate courts shall be held in each year, for the county of Hampden, at the times and in the places hereinafter mentioned: At Springfield on the first Tuesdays of January, February, March, April, May, June, July, September, November and December; at Westfield on the third Tuesdays of March, June, September and December; at Monson on the second Tuesday of June, and at Palmer on the second Tuesday of September. Springfield, Westfield, Monson and Palmer.

SECTION 2. This act shall take effect on the first day of June next, and so much of section thirty-six of chapter one hundred and seventeen of the General Statutes as relates to holding probate courts in the county of Hampden, is hereby repealed. When to take effect.

Approved April 1, 1865.

AN ACT to confirm certain Acts done by Amos B. Merrill as a Justice of **Chap. 125**
the Peace.

Be it enacted, &c., as follows :

SECTION 1. All acts done by Amos B. Merrill, of Boston, esquire, as a justice of the peace within and for the county of Suffolk, between the ninth day of April and the ninth day of September, in the year one thousand eight hundred and sixty-four, are hereby confirmed and made valid, to the same extent as they would have been valid had he been, during that interval, duly qualified to discharge the duties of the said office. Acts confirmed as justice of the peace.

SECTION 2. This act shall take effect upon its passage.

Approved April 1, 1865.

AN ACT to incorporate the Massachusetts Dental Society. **Chap. 126**

Be it enacted, &c., as follows :

SECTION 1. N. C. Keep, I. J. Wetherbee, Thomas H. Chandler, their associates and successors, are hereby made a corporation, by the name of the Massachusetts Dental Society, for the purpose of advancing the science and art of dentistry by means of a library and museum, professional lectures and publications, and by premiums and medals for original researches and discoveries; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to such corporations. Corporators. Name and purpose. Powers and duties.

SECTION 2. Said corporation may hold real and personal estate, for the purposes aforesaid, to an amount not exceeding ten thousand dollars. Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved April 1, 1865.

Chap. 128 AN ACT to incorporate the Northampton and Williamsburg Street Railway Company.*Be it enacted, &c., as follows :***Corporators.****Name and purpose.****Powers and duties.****Capital stock.****Real estate.**

SECTION 1. Lewis Bodman, Thomas E. Hastings, Joel Hayden, junior, their associates and successors, are hereby made a corporation, by the name of the Northampton and Williamsburg Street Railway Company, for the purpose of building and using a street railway from Northampton to Williamsburg ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relative to street railway corporations.

SECTION 2. The capital stock of said corporation shall not exceed the sum of three hundred thousand dollars, and said corporation may hold real estate to an amount not exceeding one hundred thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1865.

[1866, 183.]

[1864, 154.]

Chap. 129 AN ACT in relation to the Dedham and West Roxbury Railroad Company.*Be it enacted, &c., as follows :***May extend track and connect with Metropolitan road in West Roxbury.****Metropolitan Co. may use track.****Dedham and W. Roxbury company may contract to run, or be run by, any connecting road.**

SECTION 1. The Dedham and West Roxbury Railroad Company is hereby authorized to extend its track from its main line, on Shawmut Avenue, in West Roxbury, through South Street, so as to connect its track with the track of the Metropolitan Railroad Company at or near its car-house on said street.

SECTION 2. The Metropolitan Railroad Company may use such tracks, upon such terms, as shall be mutually agreed upon by said parties, or as shall be fixed by commissioners, to be appointed by the supreme judicial court.

SECTION 3. The Dedham and West Roxbury Railroad Company may contract with any company with whose tracks it may connect to run and operate its railroad, and may transfer to any such company its franchise, tracks, and other corporate property, and the party receiving such transfer may enjoy all the rights and privileges, and shall be subject to all the duties and liabilities, of said Dedham and West Roxbury Railroad Company.

SECTION 4. This act shall take effect upon its passage.

Approved April 4, 1865.

[1866, 176; 1868, 109.]

AN ACT to authorize Amos S. Reed and Amos N. Reed to extend their *Chap. 130*
 Railway Track across Birch Street, in Abington.

Be it enacted, &c., as follows:

SECTION 1. Amos S. Reed and Amos N. Reed, their heirs May construct track in Abington. and assigns, are hereby authorized to construct and maintain a railroad track in Abington, being an extension of their present railway turn-out from the terminus thereof, near their steam-mill, crossing Birch Street at grade, to their store, for the purpose of facilitating the transportation of merchandise to and from said store.

SECTION 2. A good and sufficient crossing at said street Crossing to be approved by selectmen. for teams and carriages shall be constructed and maintained by said Amos S. Reed and Amos N. Reed, their heirs and assigns, under the direction and in a manner approved by the selectmen of the town of Abington.

SECTION 3. This act shall take effect upon its passage.

Approved April 4, 1865.

[1846, 167; 1848, 33; 1849, 187; 1850, 316; 1851, 121; 1854, 353; 1858, 86; 1859, 184, 222.]

AN ACT to authorize the City of Boston to build an additional Reservoir. *Chap. 131*
Be it enacted, &c., as follows:

SECTION 1. The city of Boston is hereby authorized, by City council may direct construction. and through the agency of the Cochituate Water Board therein, or by and through any other agency which shall be established therefor by the city council of said city, to construct and maintain an additional reservoir for receiving, holding and distributing water; and for this purpose, may May take certain lands in Newton, Brighton and Brookline. take and hold, by purchase or otherwise, any lands or real estate, not exceeding two hundred acres, in the towns of Newton, Brighton and Brookline, and lying between the Air Line Railroad, the present line of the said city's aqueduct and Beacon Street on the south, Rockland and Brighton Streets on the east, South Street on the north, and a street leading from said South Street to said Beacon Street on the west: *provided, however,* that no part of the tract of land Proviso. comprising the Evergreen Cemetery, in the town of Brighton, shall be so taken and held otherwise than by purchase.

SECTION 2. The city of Boston may also, by and through May lay pipes from reservoir to pipes in Brookline. the same agency, lay and maintain one or more suitable lines of pipes from the said reservoir to a convenient point in its line of pipes leading from its reservoir in said Brookline to said city; and may take and hold, by purchase or otherwise, May secure lands. such lands or real estate as may be necessary therefor; and May cross water-course or highway. may carry and conduct the said pipes over or under any water-course, or any street, turnpike-road, railroad, highway or other way, in such manner as not to obstruct or impede

travel thereon ; and may enter upon and dig up any such road, street or way, for the purpose of laying the said pipes and for maintaining and repairing the same.

City to be responsible for damages by reason of defect caused in ways.

Proviso.

Liable for damages to private property.

Rights and remedies, citizens and city to be subject to Acts of '46, '49 and '60.

City council may issue debt certificates to defray expenditures.

SECTION 3. The city of Boston shall at all times save harmless and indemnify any city or town which may become liable to keep in repair any road, street or way aforesaid, against all damages which may be recovered against them, respectively, and shall re-imburse to them, respectively, all expenses which they shall reasonably incur by reason of any defect or want of repair in such road, street or way, caused by the maintenance, repairing or replacing of said pipes, or by reason of any injury to persons or property caused by any defect or want of repair in said pipes : *provided*, that said city shall have due and seasonable notice of all claims for such damages or injury, and opportunity to make a legal defence thereto.

SECTION 4. The city of Boston shall be liable to pay all damages that shall be sustained by any persons in their property, by the taking of any land or real estate as aforesaid, or by any of its doings under this act ; and in regard to such taking, and the ascertainment and payment of all such damages, the city of Boston, and all persons claiming damages, shall have all the rights, immunities and remedies, and be subject to all the duties, liabilities and obligations which are provided in the one hundred and sixty-seventh chapter of the acts of the year one thousand eight hundred and forty-six, the one hundred and eighty-seventh chapter of the acts of the year one thousand eight hundred and forty-nine, and the three hundred and sixteenth chapter of the acts of the year one thousand eight hundred and fifty.

SECTION 5. For the purpose of defraying all the costs and expenses of such lands or real estate as shall be taken, purchased or held for the purposes mentioned in this act, and of constructing said reservoir, laying said pipes, and doing all other things incident thereto, the said city council shall have authority to issue, from time to time, notes, scrip or certificates of debt, to such an amount as may be necessary, and in such form, on such length of time, and bearing such rate of interest, not exceeding six per centum per annum, as they shall deem expedient.

SECTION 6. This act shall take effect upon its passage.

Approved April 4, 1865.

[1864, 271; 1867, 343.]

AN ACT to incorporate the Lynn Aqueduct Company.

Chap. 132

Be it enacted, &c., as follows :

SECTION 1. Edward H. Ashcroft, John P. Woodbury, William Howland, their associates and successors, are hereby made a corporation, under the name of the Lynn Aqueduct Company, for the purpose of furnishing the inhabitants of the city of Lynn with fresh water ; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or hereafter may be in force, so far as the same are applicable to this corporation.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. The capital stock of said company shall be four hundred thousand dollars, and shall be divided into shares of one hundred dollars each.

Capital stock and shares.

SECTION 3. The said company may purchase land and water rights, necessary for the purpose aforesaid, and pay therefor, wholly or in part, in the shares of said company, at their par value.

May pay in shares for land and water rights.

SECTION 4. The said company may take and hold, by purchase or otherwise, the ponds in Lynn known as Cedar Pond and Sluice Pond, and so much land adjoining said ponds as may be necessary for erecting, laying and maintaining, and may erect, lay and maintain such aqueducts, pipes, dams, gates, pumps, reservoirs, embankments, water-ways, drains or other structures, as may be necessary or convenient to insure the purity of said ponds, and the streams running into them ; also a sufficient quantity of land for a suitable reservoir in that part of Lynn known as Rock's Pasture, with a right to build and maintain a reservoir thereon, and to lay underground pipes thereto. The said company shall, within sixty days from the time of taking any land as aforesaid, file in the registry of deeds for the county of Essex, a description of the land so taken, sufficiently accurate for identification, and state the purpose for which it is taken.

May take ponds and land.

Description of land to be filed, and purpose stated.

SECTION 5. The said company may take the water from either or both of said ponds by gravitation, or raise and pump the water therefrom to a reservoir, in Rock's Pasture aforesaid, and may with the written consent of the mayor and aldermen of said city of Lynn, dig up and open any street or way in said city, for the purpose of placing such pipes as may be necessary in constructing its aqueduct, and for repairing and extending the same: *provided*, the same shall be done in such manner as not to prevent the convenient passing of teams and carriages.

May take water from ponds, and with leave lay pipes in Lynn.

Proviso.

SECTION 6. If any person shall suffer damage by the taking of land, water, or otherwise, or by any diversion of

Disagreement with company may be referred

to S. J. court in
Essex.

Notice to be
served upon
company.

Court may ap-
point commission
to determine
damages.

Commissioners to
notify.

Duties

Award.

Judgment of
court.

Proviso: party
dissatisfied may
have jury.

Costs of trial.

Execution of
judgment.

City of Lynn may
purchase fran-
chise and prop-
erty.

Disagreement,
how adjusted.

City may insert
hydrants in pipes

the water aforesaid, and shall not agree with said company on the indemnification to be paid therefor, such person may, within one year, file a petition for indemnity in the supreme judicial court within the county of Essex, before or during any term thereof; and after fourteen days' notice, which shall be given to said company by leaving an attested copy with the clerk of said company, the court may proceed to the hearing of the petitioner and may appoint three disinterested commissioners to determine the damages which the said petitioner may have sustained by reason of the taking of land, water, or otherwise, or by the diversion of said water; and the said commissioners shall forthwith give notice to both parties to appear, if they see fit, for a hearing before them; and they shall first inquire whether any damage has been sustained by said petitioner, by the cause aforesaid, and if any, they shall estimate the same; and the award of said commissioners, or of the major part of them shall be returned as soon as may be into the said court, and upon the acceptance thereof judgment shall be rendered for the party prevailing, with costs: *provided*, that if either party shall be dissatisfied with such award, such party may apply to the supreme judicial court, at any term thereof holden within the county of Essex next after the return of said award, for a trial by jury, and the same shall thereupon be tried at the bar of said court; and if the party so applying shall not obtain, in case it shall be the original petitioner or complainant, an increase of damages, or in case it shall be the original defendant, a decrease of damages, awarded by the said commissioners, such party shall pay reasonable costs of such trial, but otherwise may recover costs; and upon any judgment rendered upon any such verdict, the court may issue execution accordingly.

SECTION 7. The city of Lynn may, at any time during the continuance of the charter hereby granted, purchase the corporate property, and all the rights and privileges of said company, at such price as may be agreed upon between said parties; and in case the city council of said city shall by vote determine to purchase said property, rights and privileges, and the parties cannot agree upon the price to be paid therefor, the supreme judicial court may upon application by either party and notice to the other, appoint three commissioners who shall determine the price which the said city shall be required to pay for the same, and whose award when accepted by said court shall be final.

SECTION 8. The city of Lynn shall be allowed the privilege of inserting twenty hydrants into the main pipes of said

company, at such points as the mayor and aldermen shall indicate, with the right of using the water therefrom for the purpose of extinguishing fires: *provided*, that the same shall be so secured that water shall not be drawn therefrom, except for the purpose aforesaid.

of company, and use water.

Proviso.

SECTION 9. Any person who shall maliciously divert the water or any part of the water of the sources which shall be taken by the said company, pursuant to the provisions of this act, or who shall maliciously corrupt the same, or render it impure, or who shall maliciously destroy or injure any dam or reservoir, aqueduct-pipe or hydrant, or other property, held, owned or used by the said company for the purposes of this act, shall pay three times the amount of actual damages to the said company, to be recovered in an action of tort; and every such person on conviction of either of the malicious acts aforesaid, shall be punished by fine not exceeding one hundred dollars, and imprisonment not exceeding six months.

Penalty for diverting or corrupting water or injuring works.

SECTION 10. This act shall take effect upon its passage.

Approved April 4, 1865.

[1868, 298.]

[1854, 233.]

AN ACT authorizing the South Wilbraham Manufacturing Company to increase its Capital Stock.

Chap. 133

Be it enacted, &c., as follows :

SECTION 1. The South Wilbraham Manufacturing Company, a corporation established at South Wilbraham, is hereby authorized to increase its capital stock one hundred thousand dollars, the same to be divided into shares of one hundred dollars each; and to hold real estate necessary and convenient for the purposes of its business not exceeding in amount the sum of one hundred thousand dollars.

\$100,000 additional capital stock.

Shares.

Real estate.

SECTION 2. This act shall take effect upon its passage.

Approved April 4, 1865.

[1847, 29, 258; 1849, 27; 1860, 217; 1861, 105, 133; 1862, 195; 1863, 9; 1864, 123, 160, 176.]

AN ACT in addition to an Act for Supplying the City of Charlestown with Pure Water.

Chap. 135

Be it enacted, &c., as follows :

SECTION 1. The city council of the city of Charlestown is hereby authorized to issue water bonds of the city of Charlestown to an amount not exceeding two hundred and fifty thousand dollars, in addition to the amount now authorized by the eleventh section of chapter one hundred and five of the acts of the year eighteen hundred and sixty-one, and by chapter one hundred and seventy-six of the acts of the year eighteen hundred and sixty-four. The bonds hereby author-

City council may issue additional water bonds.

Conditions.

ized may be issued and the proceeds thereof appropriated in accordance with and subject to the provisions and conditions of said eleventh section, except so far as the same are changed or modified by this act.

May be redeemable in one to fifty years.

May issue for payment of bonds or interest.

Proviso: limitation.

SECTION 2. The water bonds of the city of Charlestown which may hereafter be issued by virtue of this act, or of any previous act or acts, may be redeemable at a period of time not less than one nor more than fifty years from and after the issue of such bonds, respectively. And the city council of said city may, for the purpose of meeting the payments of any of said water bonds, or of the interest which may accrue upon any of said bonds, make such further issue of water bonds as may be necessary therefor: *provided*, that the issue of bonds under this act shall not exceed two hundred and fifty thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved April 8, 1865.

[1866, 212; 1867, 35, 60, 66, 224, 277, 343; 1868, 202, 249, 253.]

[1849, 232; 1864, 81.]

Chap. 137 AN ACT concerning the Springfield and Longmeadow Railroad Corporation.

Be it enacted, &c., as follows:

May extend location to line of State in Longmeadow or Wilbraham.

SECTION 1. Chapter two hundred and thirty-two of the acts of the year eighteen hundred and forty-nine, being the act incorporating the Springfield and Longmeadow Railroad Corporation, revived and extended by chapter eighty-one of the acts of the year eighteen hundred and sixty-four, is hereby amended in the second section thereof, so far as to permit the location and construction of said railroad upon a route terminating at the south line of the state, either in the town of Longmeadow or Wilbraham.

Capital stock and shares.

SECTION 2. Said corporation may have a capital stock not less than one hundred and fifty thousand dollars, and not exceeding three hundred thousand dollars, which shall be divided into shares of one hundred dollars each.

Approved April 8, 1865.

[1866, 143.]

Chap. 138

AN ACT to incorporate the Linden House Company.

Be it enacted, &c., as follows:

Corporators.

Name and purpose.

SECTION 1. William H. Spooner, Washington Libbey, Samuel B. Krogman, their associates and successors, are hereby made a corporation by the name of the Linden House Company, for the purpose of erecting a public house, to be located within the limits of the city of Boston, and maintaining such public house, with the buildings and improvements

connected therewith ; with all the powers and privileges, Powers and duties.
 and subject to all the duties, liabilities and restrictions contained in all general laws which now are or may hereafter be in force, and applicable to such corporations : *provided*, Proviso.
however, that said corporation shall not carry on the business of keeping a hotel or boarding house, or be in any way interested in such business.

SECTION 2. The capital stock of said corporation shall not exceed one million dollars, and shall be divided into shares of one hundred dollars each ; and said corporation may hold real and personal estate to the value of one million dollars Capital stock and shares.
Real and personal estate.
 for the purposes mentioned in the first section.

SECTION 3. This act shall take effect upon its passage.

Approved April 8, 1865.

[1860, 35; 1863, 170; 1864, 148, 297.]

AN ACT to extend the Time for constructing the Melrose and South Reading Horse Railroad. Chap. 139

Be it enacted, &c., as follows :

SECTION 1. The time allowed for the construction of the Melrose and South Reading Horse Railroad is hereby extended to the first day of April in the year eighteen hundred and sixty-seven. Time for construction extended.

SECTION 2. This act shall take effect upon its passage.

Approved April 8, 1865.

[1867, 273; 1868, 273.]

AN ACT to incorporate the Sandwich Savings Bank.

Chap. 140

Be it enacted, &c., as follows :

SECTION 1. Theodore Kern, Charles Dillingham, I. Kimball Chipman, their associates and successors, are hereby made a corporation by the name of the Sandwich Savings Bank, to be established and located in the town of Sandwich ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force applicable to savings banks and institutions for savings. Corporators.
Name.
Powers and duties.

SECTION 2. This act shall take effect upon its passage.

Approved April 8, 1865.

[E. 1863, 90.]

AN ACT to incorporate the Marblehead and Lynn Railroad Company. Chap. 141

Be it enacted, &c., as follows :

SECTION 1. John F. Harris, Thomas Brown, Jonathan H. Orne, their associates and successors, are hereby made a corporation by the name of the Marblehead and Lynn Railroad Company, with all the privileges, and subject to all the duties and liabilities set forth in all general laws that now Corporators.
Name.
Powers and duties.

are or may hereafter be in force relating to railroads and railroad corporations.

Location.

SECTION 2. The said company may locate, construct and use a railroad, commencing at a point in the town of Marblehead on Washington Street near the termination of Middle Street, or on Darling Street, thence running by the northerly side of Roundey's Hill, thence running in a curve to the west and entering the valley lying midway between the shore line of the sea and the highway leading from Marblehead to Lynn, thence following the line of said valley to a point in the land of Horace Ware, thence curving so as to cross said highway from Marblehead to Lynn at a point near the boundary line between Salem and Marblehead, thence crossing the road that runs by land of John Phillips, at a point south of the house of said Phillips, thence following the general line of the valley and striking the track of the Eastern Railroad Company, at a point in Stetson's Farm, easterly of the Swampscott station on said Eastern Railroad.

May unite with Eastern road.

SECTION 3. The Marblehead and Lynn Railroad Company is hereby authorized to enter with its road upon, and unite the same with, and use the road of the Eastern Railroad Company, and the Eastern Railroad Company is hereby authorized to enter with its road upon, and unite the same with, and use the road of the Marblehead and Lynn Railroad Company, subject in either case to the general laws of this Commonwealth relating to railroad corporations.

Capital stock and shares.

SECTION 4. The capital stock of the Marblehead and Lynn Railroad Company shall not exceed two hundred and fifty thousand dollars, and shall be divided into shares of one hundred dollars each, and said company may hold such real and personal estate as may be necessary for the purposes for which it is incorporated.

Real and personal estate.

May sell or lease franchise to Eastern R. R. Co.

SECTION 5. The Marblehead and Lynn Railroad Company is hereby authorized to sell or lease its railroad and franchise to the Eastern Railroad Company, upon such terms and conditions as shall be decided upon by a majority of the stockholders present and voting, at a legal meeting of said company called for that purpose. The Eastern Railroad Company is hereby authorized and empowered, by a vote of a majority of the stockholders present and voting at a legal meeting of said company called for that purpose, to purchase or lease the railroad and franchise of the Marblehead and Lynn Railroad Company. If said railroad and franchise be so leased or purchased, the Eastern Railroad Company shall have all the rights and privileges, and be subject to all the restrictions, duties and liabilities, set forth in the charter of

Eastern Co. empowered to purchase.

Upon transfer, powers and duties to enure to Eastern Railroad.

the Marblehead and Lynn Railroad Company, and in case of purchase, the Eastern Railroad Company may increase its capital stock by an amount equal to that granted by section four of this act.

In case of purchase Eastern Co. may increase its capital.

SECTION 6. This act shall take effect upon its passage.

Approved April 8, 1865.

[1861, 105.]

AN ACT to authorize the City of Chelsea to purchase a Supply of Water from the City of Charlestown, and to issue Scrip in payment therefor.

Chap. 144

Be it enacted, &c., as follows :

SECTION 1. The city of Chelsea is hereby authorized to purchase a supply of water from the city of Charlestown, agreeably to the provisions of section fifteen of chapter one hundred and five of the acts of the year eighteen hundred and sixty-one, and may erect and maintain such works and structures as may be requisite and necessary for the introduction of water from the said city of Charlestown to the said city of Chelsea, and the distribution thereof in said city of Chelsea; and for the purpose of defraying the costs and expenses of such introduction and distribution, the city council of Chelsea shall have authority to issue from time to time scrip, notes or certificates of debt, to be denominated Water Bonds of the City of Chelsea, to an amount not exceeding two hundred thousand dollars, bearing interest not exceeding six per centum per annum, which shall be redeemable at a period of time not less than one nor more than fifty years from and after the issue of said scrip, notes or certificates respectively; and the said city council may sell the same, or any part thereof, from time to time, at public or private sale, for the purpose aforesaid, on such terms and conditions as the said city council shall judge proper; and the said city council may, for the purpose of meeting payments of such interest as may accrue upon any certificate of debt, make such further issue of scrip, notes or certificates of debt as may be necessary therefor: *provided*, that the whole issue of scrip, notes or certificates of debt under this act shall not exceed two hundred thousand dollars.

May purchase, under Act of '61, and maintain works.

City council may issue water bonds redeemable in one to fifty years.

May sell at public or private sale.

May make further issue for payment of scrip or interest.

Proviso.

SECTION 2. The work of laying pipes and any other structures necessary to carry water from said city of Charlestown across Chelsea bridge to said city of Chelsea, shall be under the direction of the commissioners on harbors and flats of the Commonwealth.

Construction over river to be directed by commissioners on harbors and flats.

SECTION 3. This act shall take effect upon its passage.

Approved April 11, 1865.

[1863, 138; 1864, 157.]

Chap. 145 AN ACT in further addition to an Act to incorporate the United States Steamship Company.*Be it enacted, &c., as follows :*Time to organize
extended.

SECTION 1. The time allowed to the United States Steamship Company for the performance of the acts required of said company by the fourth section of the one hundred and thirty-eight chapter of the acts of the year eighteen hundred and sixty-three, is hereby extended to the sixth day of April, in the year eighteen hundred and sixty-six.

SECTION 2. This act shall take effect upon its passage.

Approved April 11, 1865.

[1866, 215.]

Chap. 149

AN ACT to incorporate the Hyannis Hotel Company.

Be it enacted, &c., as follows :

Corporators.

Name.

Location.

Powers and du-
ties.Capital stock and
shares.Real and personal
estate.

SECTION 1. Alexander Baxter, Owen Bearse, Ephraim N. Winslow, their associates and successors, are hereby made a corporation by the name of the Hyannis Hotel Company, for the purpose of purchasing or erecting in the town of Barnstable, buildings necessary and convenient for a public house ; with all the powers and privileges, and subject to all the liabilities, duties and restrictions set forth in the general laws which now are, or hereafter may be in force, and applicable to such corporations.

SECTION 2. The capital stock of said corporation shall not exceed fifteen thousand dollars, and shall be divided into shares of the par value of one hundred dollars each ; and said corporation may hold such real and personal property as may be necessary and convenient for the purposes aforesaid, not exceeding the amount of the capital stock.

SECTION 3. This act shall take effect upon its passage.

*Approved April 24, 1865.***Chap. 150**

AN ACT to incorporate the Williamsburg Reservoir Company.

Be it enacted, &c., as follows :

Corporators.

Name and pur-
pose.Powers and du-
ties.

SECTION 1. William Skinner, Joel Hayden, Lewis Bodman, their associates and successors are hereby made a corporation by the name of the Williamsburg Reservoir Company, for the purpose of constructing and maintaining a reservoir of water on the east branch of Mill River in the town of Williamsburg, for the supply of mills situated on said river ; with all the powers and privileges and subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to such corporations.

SECTION 2. Said corporation may hold real and personal estate necessary and convenient for the purposes aforesaid, and its whole capital stock shall not exceed thirty thousand dollars, which shall be divided into shares of one hundred dollars each. Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved April 24, 1865.

[1865, 82.]

AN ACT concerning the Payment of Bounties and Monthly Compensation. Chap. 151
Be it enacted, &c., as follows:

SECTION 1. The monthly pay, which by the provisions of chapter two hundred and fifty-four of the acts of the year eighteen hundred and sixty-three, or of any act in extension thereof, is payable to persons in the military service of the United States, shall be paid by the persons appointed pursuant to the fifth section of said act, who shall also pay interest at the rate of five per centum per annum on all sums payable as such pay, said interest to commence after sixty days from the expiration of the service certified upon the pay-rolls. Citizens in U. S. service to be paid under ch. 254, § 5 of '63; interest to begin in 60 days after discharge.

SECTION 2. There shall be furnished to the persons appointed as aforesaid, from the treasury, upon the warrants of the governor, such sums of money, from time to time, as may be necessary to pay the bounty provided in said act, and to make the payments herein provided to be made by them. Money to be furnished upon warrants of governor

SECTION 3. The adjutant-general shall prepare pay-rolls and other necessary documents connected with payments of bounty and monthly pay, as provided in said act, and supply them to the persons appointed as aforesaid. He shall prepare the pay-rolls in triplicate, and deposit one copy with the auditor, and dispose of the other two copies as aforesaid, one of which, when examined and found correct, after payment, shall be deposited with the auditor. Adjutant-general to furnish pay-rolls, &c.

SECTION 4. The sixth section, and so much of the third section of said act as provides that said monthly pay shall be payable at the office of the treasurer of the Commonwealth, and all provisions of law inconsistent herewith, are hereby repealed. Repeal.

SECTION 5. This act shall take effect upon its passage.

Approved April 25, 1865.

[1865, 180, 225, 274; 1866, 172, 282; 1867, 136; 1868, 107, 115.]

[1865, 82.]

Chap. 152 AN ACT to authorize Towns and Cities to Re-imburse Money paid for Recruiting Purposes.*Be it enacted, &c., as follows :*May re-imburse
for recruiting
expenses.

SECTION 1. Any town or city may raise, by taxation or otherwise, such sums of money as may be necessary to pay and refund any money which has already been paid and applied by such city or town, or contributed by individuals in aid of, and for the purpose of filling its quotas, or furnishing men for the present war, under any requisition, order or call of the president or of the war department of the United States, during the year eighteen hundred and sixty-four: *provided*, that all sums raised under this act shall be assessed and paid within three years from its passage.

Proviso.

No re imburse-
ment by Com-
monwealth.

SECTION 2. No town or city shall hereafter claim any re-imbursement from the Commonwealth for any money raised under the provisions of this act.

SECTION 3. This act shall take effect upon its passage.

Approved April 25, 1865.

[1837, 160; 1852, 255; 1853, 322; 1856, 290; 1861, 12.]

Chap. 153

AN ACT for supplying the City of Cambridge with Pure Water.

*Be it enacted, &c., as follows :*City may pur-
chase Cambridge
water works, and
Cambridgeport
aqueduct.May improve pro-
perty for supply
of water.May acquire land
for reservoirs,
pipes, &c.Water Works Co.
may transfer

SECTION 1. The city of Cambridge, for the purpose of supplying the inhabitants thereof with fresh water, is hereby authorized and empowered to purchase, upon such terms as may be agreed upon, all the works, franchises, rights and property of the Cambridge water works, including the works, franchises, rights and property of the Cambridgeport aqueduct company, acquired by said Cambridge water works under the provisions of chapter twelve of the acts of the year eighteen hundred and sixty-one, and hold the same; and may enlarge, improve and repair the water sources, aqueducts, pumps, reservoirs and other property so purchased, with a view to an increased and adequate supply of pure water for public and private uses in said city, subject to the restrictions now imposed by law upon the Cambridge water works; and may also take and hold, in like manner, such land as may be necessary for erecting and maintaining dams and reservoirs, and for erecting and maintaining conduits, pipes and other works for collecting, conducting and distributing water from the sources of supply now used by said Cambridge water works through said city, or from the sources of supply which said Cambridge water works have the right to use. The Cambridge water works are hereby authorized and empowered to sell and transfer all their cor-

porate property, rights and franchise to the said city of Cambridge. property and franchise.

SECTION 2. The mayor of said city, within thirty days after the taking of any land or other property, under the provisions of this act, shall file in the registry of deeds for the county of Middlesex a description thereof, sufficiently accurate for identification. Mayor of city to file description of property taken.

SECTION 3. Said city, for the purposes aforesaid, may build aqueducts and maintain the same, by any works suitable therefor; may erect and maintain dams; may make and maintain suitable reservoirs; may make and establish such public fountains and hydrants as may from time to time be deemed proper, and may change or discontinue the same; may regulate the use of the water, and establish the prices or rents to be paid therefor, and collect the same by process of law. Said city may also, for the purposes aforesaid, carry its pipes and drains over or under any water-course, street, railroad, highway or other way, in such manner as not to obstruct the same; and may enter upon and dig up such road, street or way, for the purpose of laying down, maintaining or repairing pipes or drains, and may do any other acts or things necessary and proper in executing the purposes of this act. City may build and maintain works and regulate use of water.

SECTION 4. If said city enters upon and digs up, for the purposes aforesaid, any road, street or way without its own limits, it shall do so under the direction of the selectmen of the town in which said road, street or way is located, and shall restore said road, street or way to as good order and condition as it was in before such digging was commenced; and the work shall be done in such manner and with such care as not to render any road, street or way in which such pipes are laid, unsafe or unnecessarily inconvenient to the public travel thereon. Said city shall at all times indemnify and save harmless such town which is liable to keep in repair any road, street or way aforesaid, against all damages which may be recovered against it, and shall re-imburse to it all expenses which it shall reasonably incur by reason of any defect or want of repair in such road, street or way, caused by the maintenance, repairing or replacing of said pipes, or by reason of any injury to persons or property, caused by any defect or want of repair in such pipes: *provided*, that said city has notice of any claim or suit for such damage or injury, and an opportunity to assume the defence thereof. Works outside city limits to be done with consent of selectmen.

SECTION 5. Said city shall be liable to pay all damages sustained by any persons or corporations by the taking of any land or property, or by the constructing of any aque- Streets to be put in good condition.

Disagreement,
how may be ad-
justed.

City council to
direct exercise of
powers by officers.

Council may issue
scrip or bonds,
as "Cambridge
Water Loan," for
\$500,000, at 6 per
cent. interest.

May sell same at
not less than par
value.

Water rents to
pay interest and
one per cent. of
loan.

Surplus to be
sinking fund.

Trustees of fund.

Liability of occu-
pant and owner
of tenements.

ducts, reservoirs or other works, for the purposes aforesaid. If any person or corporation, sustaining damages as aforesaid, cannot agree with said city upon the amount of said damages, he may have them assessed in the same manner as is provided by law with respect to land taken for highways.

SECTION 6. All the rights, powers and authority given to the city of Cambridge by this act, shall be exercised by said city subject to all duties, liabilities and restrictions herein contained, in such manner and by such agents, officers and servants as the city council shall from time to time ordain, direct and appoint.

SECTION 7. For the purpose of defraying the cost of such franchises, property, lands, water and water rights as are purchased, taken or held for the purposes aforesaid, and of constructing the works necessary and proper for the accomplishment of said purposes, and paying all expenses incident thereto, the city council shall have authority to issue scrip or bonds, to be denominated on the face thereof "Cambridge Water Loan," to an amount not exceeding in the whole five hundred thousand dollars, bearing interest not exceeding six per centum per annum, payable semi-annually; and the principal to be payable at periods not more than fifty years from the issuing of such scrip or bonds, respectively. Said city council may sell the same or any part thereof, from time to time, or pledge the same for money borrowed for the above purposes; but the same shall not be sold or pledged for less than the par value thereof. Said scrip or bonds may be paid at the par value thereof, for the purchase of the property mentioned in section one of this act.

SECTION 8. The city council shall establish such price or rents to be paid for the use of the water as to provide annually, if practicable, from the net income and receipts therefor, for the payment of the interest and not less than one per centum of the principal of the "Cambridge Water Loan," and shall determine the manner of collecting the same. The net surplus income and receipts, after deducting all expenses and charges of distribution shall be set apart as a sinking fund, and applied solely to the payment of the principal and interest of said loan, until the same is fully paid. The mayor, city treasurer and president of the common council for the time being, shall be trustees of said fund, and shall, whenever required by the city council, render an account of all their doings in relation thereto.

SECTION 9. The occupant of any tenement shall be liable for the payment of the rent for the use of the water in such tenement, and the owner thereof shall be also liable, if, on being notified of such use, he does not object to the same.

SECTION 10. If any person shall use any of the said water, either within or without said city, without the consent of the same, an action of tort may be maintained by said city for the recovery of the damages sustained.

Action for unauthorized use of water.

SECTION 11. Whoever wantonly or maliciously diverts the water, or any part thereof, taken or held by said city pursuant to the provisions of this act, or corrupts the same, or renders it impure, or destroys or injures any dam, aqueduct, pipe, conduit, hydrant or machinery, or other works or property held, owned or used by said city under the authority and for the purposes of this act, shall forfeit and pay to said city three times the amount of the damages assessed therefor, to be recovered in an action of tort, and on conviction of either of the wanton or malicious acts aforesaid, may also be punished by fine not exceeding three hundred dollars, or by imprisonment not exceeding one year, in the house of correction in said county of Middlesex.

Penalty for wanton injury to water or works.

SECTION 12. This act shall take effect upon its passage.

Approved April 25, 1865.

[1866, 89; 1868, 13.]

AN ACT to authorize the laying out and widening of a Street from Milk Street to Broad Street, in the City of Boston.

Chap. 159

Be it enacted, &c., as follows:

SECTION 1. The mayor and aldermen of the city of Boston are hereby authorized to widen and lay out, as a street, the line of street extending from Milk Street to Broad Street, in the said city, nearly parallel with Pearl Street, and now known by the names of Oliver Street, Washington Square, and Belmont Street, to take sufficient land for the same, to grade the same, and to assess the cost of such widening and grading, including damages for land and buildings taken for such widening, upon estates abutting upon said widened street, as hereinafter provided. But the determination so to widen and lay out said street shall be made by the mayor and aldermen, and recorded within one year from the passage of this act.

Mayor and aldermen may lay out street.

Decision to act to be made and recorded within year.

SECTION 2. The said street shall be made not less than fifty feet wide, and shall be so graded, that the rise or fall shall in no place exceed two feet and a half in one hundred feet of length.

Width and grade of street.

SECTION 3. In making the estimate of the cost aforesaid, for which the assessment herein provided is to be laid, the mayor and aldermen shall estimate the damages sustained by any person or persons, by the taking of land for the said widening, including the value of the whole of the buildings on the land, any part of which shall be so taken, deducting

Mayor and aldermen to estimate damages to persons.

Decision to be final.	therefrom, however, the value of the materials to be removed, and of the buildings, if any, which will remain standing; but no person shall be entitled to claim further damages for the cutting off of such buildings, or injury to the same; and, in estimating the value of the land cut off by the said widening, the land so cut off shall be estimated at its value before the widening, and such estimate shall not include the increased value occasioned merely by the widening, laying out and grading of the said street.
Estimation of value.	
Payment of damages.	SECTION 4. The damages estimated according to the preceding section, shall be paid to the persons entitled thereto, in the same manner, and upon the same conditions, as is provided by law in other cases of land taken for widening streets in the county of Suffolk.
Property remaining to be cared for by owner or at his cost.	SECTION 5. Buildings and materials remaining upon the land under the adjudication provided in section three, shall be taken care of by the owner thereof; and if such owner, after due notice so to do, by said mayor and aldermen, neglects or fails to take sufficient care thereof, said mayor and aldermen may take such care of the same as the public safety demands, at the expense of the owner; and if they shall adjudge a removal thereof to be necessary for the public security or necessity, they may remove the same at the expense of the owner, or they may sell the same after five days' notice, at public auction, and hold the net proceeds of such sale for the benefit of the owner.
Removal may be made at expense of owner.	
Assessment of expenditure for widening to be upon abutting estates.	SECTION 6. The whole expense of the said widening, including the damages mentioned in the third section of this act, and the net expense of grading the whole widened street, after deducting the estimated net proceeds of the earth and gravel removed, shall be assessed upon all the estates abutting upon the said widened street, in proportion to their value, as they shall be appraised by the mayor and aldermen, when the improvements have been made.
Shall constitute lien for one year, and may be levied by sale in three months after demand.	SECTION 7. All assessments made under this act shall constitute a lien on the real estate assessed, for one year after they are laid, and may, together with all incidental costs and expenses, be levied by sale thereof, if the assessment is not paid within three months after a written demand of payment, made either upon the person assessed, or upon any person then occupying the estate or posted upon the premises; such sale to be conducted in like manner as sales for the non-payment of taxes.
Party aggrieved may have jury.	SECTION 8. Any party aggrieved by the doings of the mayor and aldermen under this act, shall have the like remedy by petition for a jury, and with the same limitations

as to the time of bringing such petition, as in other cases of widening or altering streets in the county of Suffolk. And any person aggrieved by the estimate made by the mayor and aldermen under the tenth section of this act, may have the same assessed by a jury in the same manner as damages for the taking of land for highways may be assessed.

SECTION 9. The city of Boston, at its own expense, shall provide a suitable common sewer, and proper sidewalks, for the said street, pave the said street, as widened, and build the necessary bridges over it.

Sewer, sidewalks and bridges to be built by city.

SECTION 10. Any person owning any of the said estates abutting on the said line of streets mentioned in the first section, at any time before the estimation of the damages, according to the third section of this act, may, instead of the provisions in section third, elect to surrender all of the said estate to the city of Boston. The mayor and aldermen of the said city shall thereupon estimate the value of the whole of the said abutting estate, with the buildings thereon, and the said owner shall convey the same to the said city, and the said city shall pay him therefor the value so estimated. And the said city shall sell at public auction all the building materials and buildings, and the remaining portion of said estate not used in said widening and grading, and the net proceeds thereof shall be applied towards the expenses of said widening and grading. And the estimated value of said estate, so paid by said city, shall be assessed upon the abutters, as provided in the sixth section of this act, instead of the damages estimated according to the said third section.

Estate owner may surrender property to city.

Mayor and aldermen to estimate value, owner to convey and city to pay.

Property not used may be sold.

Sum paid by city to be assessed upon abutters.

SECTION 11. This act shall take effect upon its passage.

Approved April 27, 1865.

[Special Laws, vol. 1, p. 399; vol. 3, p. 32.]

AN ACT in relation to the Trustees of the Marblehead Academy.

Chap. 164

Be it enacted, &c., as follows :

SECTION 1. The trustees of the Marblehead Academy may permit the town of Marblehead to use their academy building for a high school, and may devote the income of the funds under their control to the support of said school.

May permit town to use income and building for high school.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1865.

AN ACT to incorporate the Everett Hall Association.

Chap. 165

Be it enacted, &c., as follows :

SECTION 1. Eben Denton, Caleb C. Allen, Henry Endicott, their associates and successors are hereby made a corporation by the name of the Everett Hall Association, in Cambridge, for the purpose of providing and maintaining a

Corporators.

Name and purpose.

Powers and duties building in that part of Cambridge called Cambridgeport, with rooms suitable for halls, public lectures, stores and offices; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Real estate. SECTION 2. Said corporation may hold real estate for the purpose aforesaid, to an amount not exceeding sixty thousand dollars, and the capital stock of said corporation shall not exceed sixty thousand dollars, and shall be divided into shares of one hundred dollars each.

Capital stock and shares.

SECTION 3. This act shall take effect upon its passage.

Approved April 27, 1865.

Chap. 166 AN ACT to incorporate the Springfield Home for Friendless Women and Children.

Be it enacted, &c., as follows:

Corporators. SECTION 1. Rachel C. Merriam, Charlotte Barnes, Caroline L. Rice, their associates and successors, are hereby made a corporation by the name of the Springfield Home for Friendless Women and Children, for the purpose of providing a temporary home for destitute and friendless women and children; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws that now are, or may hereafter be in force and applicable to such corporations.

Name and purpose.

Powers and duties.

Real and personal estate.

SECTION 2. Said corporation may hold, for the purpose aforesaid, real and personal estate to the amount of twenty thousand dollars.

SECTION 3. This act shall take effect upon its passage.

Approved April 27, 1865.

Chap. 167 AN ACT to incorporate the Trustees of the Theological Seminary of the Methodist Episcopal Church.

Be it enacted, &c., as follows:

Corporators. SECTION 1. Lee Claflin, Isaac Rich, Jacob Sleeper, their associates and successors, are hereby made a corporation by the name of the Trustees of the Theological Seminary of the Methodist Episcopal Church, with power and authority to establish and maintain, at some place in or near the city of Boston, an institution for the promotion of learning and piety, by the instruction of young men in biblical science and literature, and aiding them in preparing to become useful preachers of the gospel; and the said corporation shall have all the powers and privileges, and be subject to all the duties, liabilities and restrictions set forth in chapter sixty-eight of the General Statutes, and in all general laws

Name and purpose.

Powers and duties.

which now are or may hereafter be in force, applicable to such corporations.

SECTION 2. Said corporation may take and hold in fee simple, or any less estate, by gift, grant, bequest, devise or otherwise, any lands, tenements or other estates, real or personal, to an amount not exceeding five hundred thousand dollars, and administer the same to promote the objects of said institution, conforming to the will of any donor or donors, in the application of any estate given, devised or bequeathed to said corporation.

May receive and hold any gift of real or personal estate.

SECTION 3. The first meeting of said corporation shall be called by notice designating the time and place of said meeting, signed by the incorporators named in this act, and published in the newspaper called Zion's Herald, two weeks next preceding the time of said meeting; at which meeting the trustees shall fix the location of said institution, and establish all necessary rules concerning the number, qualifications, election, removal, tenure and succession of members of the corporation; but the corporation shall have the power, at all times, to make, amend, alter or annul all such other rules and regulations, not repugnant to the laws of the Commonwealth, as they may deem proper for the government of the corporation.

First meeting of corporation, how notified.

Duties of trustees.

Powers of revision by corporation.

SECTION 4. This act shall take effect upon its passage.

Approved April 27, 1865.

[1868, 3.]

AN ACT to incorporate the Holyoke and South Hadley Falls Bridge Company. *Chap. 168*

Be it enacted, &c., as follows:

SECTION 1. Alonzo Bardwell, S. S. Chase, Stephen Holman, their associates and successors, are hereby made a corporation by the name of the Holyoke and South Hadley Falls Bridge Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are, or may hereafter be in force, relative to such corporations.

Incorporators.

Powers and duties.

SECTION 2. The said corporation is hereby authorized and empowered to erect a bridge over Connecticut River, between the towns of Holyoke and South Hadley, and between Chapin's brick store on the north side, and the west line of Bridge Street, as laid out by the Hadley Falls Company, on the south side of the river, and the swing ferry, and to purchase and hold such real and personal estate as may be proper for that purpose, not exceeding in value the sum of one hundred thousand dollars; and the capital stock of said company shall be divided into shares of one hundred

May erect bridge over Connecticut River.

Real and personal estate.

Capital stock.

Construction and
maintenance of
bridge

dollars each. Said bridge shall be well built, of suitable materials, at least twenty-six feet wide, and floored with planks, with sufficient railings on each side, and shall be kept in good repair at all times.

Rates of toll.

SECTION 3. A toll is hereby granted to said corporation and established at the following rates, namely: For each foot passenger, one cent; for each horse and rider, five cents; for each gig, sulky, buggy, wagon or sleigh without top, drawn by one horse, ten cents; for each chaise, cab, carryall, covered buggy or sleigh, drawn by one horse, fifteen cents; for each coach, chariot, phaeton or covered sleigh, drawn by two horses, twenty-five cents; and for each additional horse, four cents; for each cart, wagon, sled, sleigh, or other carriage of burden, drawn by one beast, ten cents; if drawn by two beasts, fifteen cents; and for each additional beast, four cents; for each horse without a rider, four cents; for neat cattle, asses and mules, three cents each; for sheep and swine, one cent each; and one person and no more to each team shall pass free of toll.

Shall continue
fifty years, and
be plainly adver-
tised.

SECTION 4. The said tolls shall commence on the day of the opening of said bridge for public use, and continue for the term of fifty years; and at the place of receiving said tolls, there shall be constantly exposed to view a sign-board, with the said rates of toll fairly and legibly printed thereon:

Provido: counties
and towns named
may purchase.

provided, that if at any time after the building of said bridge, the counties of Hampshire and Hampden, the towns of Holyoke and South Hadley, or any or either of them, shall pay to the said company such sum of money as will reimburse to each person who may then be a stockholder therein the par value of his stock, together with a net profit of eight per centum per annum from the time of the issue of his stock, deducting the dividends received by such stockholder therein, then the said bridge shall be surrendered to the counties of Hampshire and Hampden, or to the towns of Holyoke and South Hadley, as the case may be, to be forever after maintained a free bridge.

Commutation of
toll for terms of
time to be adver-
tised.

SECTION 5. The said corporation may, if it see cause, commute said rates of toll with any person or persons, by taking a certain less sum payable at any stated periods, instead of the toll aforesaid, or by taking of all persons less rates of toll than are above specified, public notice of their intention so to do being first published three weeks successively in some newspaper published in the county of Hampshire or Hampden.

Report to secre-
tary of Common-
wealth.

SECTION 6. The said corporation, at the time of opening said bridge, or as soon as may be thereafter, shall cause a

true account of the expenses of building the same, and also at the end of every three years thereafter a true account of all receipts and disbursements on account of the same, to be returned into the office of the secretary of the Commonwealth.

SECTION 7. The legislature may at any time hereafter regulate the tolls on said bridge as it may deem expedient, upon reasonable notice to said corporation. Legislature may regulate tolls.

SECTION 8. If said corporation shall neglect, for the space of five years from the passage of this act, to build and finish the said bridge, then this act shall be of no effect. Limitation of time for construction.

SECTION 9. This act shall take effect upon its passage.

Approved April 27, 1865.

[1866, 29.]

AN ACT to incorporate the Williamstown Manufacturing Company.

Chap. 169

Be it enacted, &c., as follows :

SECTION 1. Harvey Arnold, Oliver Arnold, Stephen Walley, their associates and successors are hereby made a corporation by the name of the Williamstown Manufacturing Company, for the manufacture of woollen or cotton cloths, in the town of Williamstown, in the county of Berkshire; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which now are, or may hereafter be in force relating to manufacturing corporations. Corporators.
Name and purpose.
Powers and duties.

SECTION 2. Said corporation may hold, for the purposes aforesaid, real estate to the amount of one hundred and twenty-five thousand dollars. The whole capital stock of said corporation shall not exceed two hundred thousand dollars, and shall be divided into shares of one hundred dollars each : *provided, however*, that said corporation shall not go into operation until the sum of fifty thousand dollars of its capital stock has been paid in. Real estate.
Capital stock and shares.
Proviso.

SECTION 3. This act shall take effect upon its passage.

Approved April 27, 1865.

[1866, 64.]

[1847, 269; 1848, 143; 1851, 123; 1852, 178, 251; 1853, 185; 1856, 243; 1857, 102; 1859, 12; 1860, 42; 1861, 57, 202; 1862, 124; 1865, 2.]

AN ACT concerning the Agricultural Branch Railroad.

Chap. 170

Be it enacted, &c., as follows :

SECTION 1. The Agricultural Branch Railroad Company is hereby authorized to construct its track across the track of the Worcester and Nashua Railroad Company, in the town of Clinton, and over Main and Water Streets in said town at grade : *provided, however*, that if said company shall build its track across said Water Street at grade, it shall erect and maintain across said street, on the easterly side of said May construct certain track in Clinton.
Proviso.

railroad track a gate, and cause the same to be closed while trains are passing said street.

SECTION 2. This act shall take effect upon its passage.

Approved April 27, 1865.

[1867, 83, 153.]

[1846, 231; 1847, 252; 1849, 170, 194; 1850, 268; 1851, 297; 1855, 105; 1856, 238; 1858, 60; 1861, 155; 1863, 116; 1864, 310; 1865, 52.]

Chap. 171 AN ACT concerning the Boston, Hartford and Erie Railroad Company.
Be it enacted, &c., as follows :

Time for location extended.

The time for locating and constructing the road of the Boston, Hartford and Erie Railroad Company, is hereby extended to the first day of May, in the year eighteen hundred and sixty-eight.

Approved April 27, 1865.

[1865, 275; 1866, 142, 266, 278; 1867, 75, 83, 170, 284; 1868, 145.]

Chap. 172 AN ACT to incorporate the Salisbury Beach Plank Road Company.
Be it enacted, &c., as follows :

Corporators.

SECTION 1. George Currier, Moses Eaton, junior, Streeter Evans, their associates and successors, are hereby made a corporation under the name of the Salisbury Beach Plank Road Company, for the purpose of purchasing land and constructing and maintaining a plank road from a point near the house of Silas Pike, in the town of Salisbury, to the seashore in said town.

Corporators may use public ways in Salisbury.

SECTION 2. The said corporation may use, for the construction of the said road, any highway or town way in the town of Salisbury without making compensation therefor, but without the right to take toll on any portion of said plank road, built on any part of any highway or town way in said Salisbury: *provided*, that the county commissioners of the county of Essex, and the selectmen of said town shall consent in writing thereto; a copy of which consent shall be filed with the clerk of the courts in said county.

Proviso: county commissioners to consent.

Commissioners to approve construction.

SECTION 3. The construction of the said road shall be subject to the approval of the county commissioners of the county of Essex; and whenever the same or any part of said road shall be completed, the said commissioners may authorize the erection of gates and the taking of toll.

Capital stock and shares.

SECTION 4. The capital stock of said corporation shall not exceed twenty-five thousand dollars, and shall be divided into shares of twenty-five dollars each; and no shares in said capital stock shall be issued for a less sum to be actually paid in on each share, than the par value thereof.

Chartered for twenty-five years.

SECTION 5. Said corporation is hereby chartered for the term of twenty-five years from the passage of this act, and no more, during which time it shall be subject to all general laws which now are or shall hereafter be in force and applicable to turnpike corporations.

SECTION 6. The by-laws of said corporation, the rates of toll to be taken upon said road, and the places for the erection of toll gates, shall be subject to the approval of the county commissioners of the county of Essex.

By-laws, tolls and gates to be approved by county commissioners

Approved April 27, 1865.

[1809, 113; 1811, 157; 1813, 194; 1825, 67; 1834, 129; 1851, 224; 1852, 27.]

AN ACT in relation to the Board of Overseers of Harvard College.

Chap. 173

Be it enacted, &c., as follows :

SECTION 1. The places of the successive classes in the board of overseers of Harvard College, and the vacancies in such classes shall hereafter be annually supplied by ballot of such persons as have received from the college a degree of bachelor of arts, or master of arts, or any honorary degree, voting on commencement day in the city of Cambridge; such election to be first held in the year eighteen hundred and sixty-six: *provided, however*, that no member of the corporation, and no officer of government or instruction in said college shall be eligible as an overseer, or entitled to vote in the election of overseers; and *provided further*, that no person who has received from said college the degree of bachelor of arts shall be entitled to vote for overseers before the fifth annual election after the graduation of his class.

Elections to be on commencement day and of honorary graduates.

Proviso.

SECTION 2. The board of overseers shall annually appoint one principal and two or more assistant-inspectors of polls, who shall, on commencement day, from the hour of ten in the forenoon to the hour of four in the afternoon, at some place in said city of Cambridge, fixed by said board, receive the votes for overseers; and they shall sort and count such votes, and make public declaration thereof, after the closing of the polls; and said inspectors shall be provided with a complete list of the persons qualified to vote at such election, and no person shall vote until the inspectors find and check his name upon such list. The names of the persons voted for, the number of votes received for each person, and the vacancy or place in said board for which he is proposed, shall be entered in words at length, by said inspectors, upon a record kept by them for that purpose, which shall, after such election, be forthwith made up, signed, and delivered by them to the board of overseers. The persons who shall receive the highest number of votes for the places or vacancies in said board shall, to the number of overseers to be elected, be deemed and shall be declared by said board elected to be members thereof.

Board to appoint inspectors of polls.

List of electors.

Record of inspectors.

Plurality to elect.

SECTION 3. The board of overseers shall give notice of the place of the polls, the hours during which they are open,

Board to notify of election by publication.

and the number of overseers to be elected, by publishing the same at least ten days before commencement day in some newspaper printed in the city of Boston.

Official terms of
classes defined.

Succession of
overseers.

Election failing,
overseers may fill
vacancies.

State officers not
to be *ex officio*
members.

Act to be in force
when accepted.

May be repealed
by legislature.

SECTION 4. The terms of office of the existing classes of overseers are extended to the close of commencement day of the year in which such terms severally expire; the terms of office of the classes hereafter elected shall successively expire at the close of commencement day each year in their order; and the persons elected overseers on any commencement day, shall supply the places of the class of overseers which goes out of office at the close of that day, and the vacancies then existing in said board.

SECTION 5. Whenever there shall be a failure on commencement day to supply any places or vacancies in the board of overseers, the same may be filled by vote of the remaining overseers; and any person elected to fill a vacancy shall be deemed to be a member of and to go out of office with the class to which his predecessor belonged.

SECTION 6. The governor, lieutenant-governor, president of the senate, speaker of the house of representatives, and secretary of the board of education, shall not be *ex officio* members of the board of overseers of Harvard College after this act shall be in force.

SECTION 7. This act shall be in force when the board of overseers and the president and fellows of Harvard College respectively, at meetings held for that purpose, shall by vote have assented to the same.

SECTION 8. This act shall not be construed as in the nature of a contract or a charter, but may at any time be repealed at the pleasure of the legislature.

Approved April 28, 1865.

[1843, 16; 1847, 271.]

Chap. 174 AN ACT to authorize the Holyoke Mutual Fire Insurance Company of Salem to purchase and hold Real Estate.

Be it enacted, &c., as follows:

May hold \$30,000
in real estate.

Proviso.

Income to be
used for compa-
ny.

SECTION 1. The Holyoke Mutual Fire Insurance Company in the city of Salem, is hereby authorized to purchase and hold real estate in said city, to an amount not exceeding thirty thousand dollars: *provided*, that no part of said amount shall be invested in real estate except in the purchase of a suitable site, and the erection or preparation of a suitable building to be used wholly or in part for the purposes of said company; and all income, if any, arising from such real estate, shall be devoted exclusively to the interests of said company.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1865.

[1866, 26; 1867, 48.]

[1864, 132, 242, 245, 246, 249, 260.]

AN ACT concerning the Pittsfield and New Haven Railroad Company. *Chap. 176*
Be it enacted, &c., as follows :

SECTION 1. The capital stock of the Pittsfield and New Haven Railroad Company shall be five hundred thousand dollars, to be divided into shares of one hundred dollars each. Capital stock and shares.

SECTION 2. The fourth section of the one hundred and thirty-second chapter of the acts of the year one thousand eight hundred and sixty-four is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved April 29, 1865.

[1866, 157; 1867, 128; 1868, 313, 316.]

AN ACT for supplying the Town of Fitchburg with Pure Water. *Chap. 177*
Be it enacted, &c., as follows :

SECTION 1. Alvah Crocker, Charles Burleigh, James B. Lane, their associates and successors, are hereby made a corporation under the name of the Pearl Hill Water Company, for the purpose of furnishing the inhabitants of the town of Fitchburg with pure water; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which are or may be hereafter in force, so far as the same are applicable to this corporation. Corporators. Name and purpose. Powers and duties.

SECTION 2. Said corporation, for the purpose aforesaid, may take, hold and convey to, into and through said town, the waters of Pearl Hill Brook, so called, in the town of Fitchburg, and the waters which flow into and from the same, and may take and hold, by purchase or otherwise, such land on and around the margin of said brook, not exceeding five rods in width, as may be necessary for the preservation and purity of said waters; and may also take and hold, in like manner, such lands as may be necessary for erecting and maintaining dams and reservoirs, and for laying and maintaining conduits, pipes, drains and other works, for collecting, conducting and distributing said waters through said town. The said corporation shall, within sixty days from the time of taking any land as aforesaid, file in the registry of deeds for the county of Worcester, a description of the land so taken, sufficiently accurate for identification, and state the purpose for which it is taken. May take and convey waters of Pearl Hill Brook. May take certain lands. Description of lands to be filed in registry of deeds.

SECTION 3. The said corporation may build aqueducts, and maintain the same, by any works suitable therefor, may erect and maintain dams, may make reservoirs and hydrants, and may distribute the water throughout said town, by laying down pipes and may establish the rent therefor. Said May build aqueducts and dams, reservoirs and hydrants. Lay pipes and establish rents.

Manner of laying pipes and drains.

corporation may also, for the purposes aforesaid, carry its pipes and drains over or under any water-course, street, railroad, highway or other way, in such manner as not to obstruct the same, and may enter upon and dig up any road, under the direction of the selectmen of the town of Fitchburg, in such manner as to cause the least hindrance to the travel thereon.

Liability to parties for damages sustained.

SECTION 4. The said corporation shall be liable to pay all damages that shall be sustained by any persons in their property by the taking of any land, water or water rights, or by the constructing of any aqueducts, reservoirs or other works for the purposes aforesaid. If any person who shall sustain damage as aforesaid, cannot agree with said corporation upon the amount of said damages, he may have them assessed in the same manner as is provided by law, with respect to land taken for highways; and all damages for the taking of lands for the purposes aforesaid shall be paid by said corporation before entering upon such lands.

Upon disagreement, damages may be assessed.

Assessment of damages for water rights, when to be made.

SECTION 5. No application shall be made to the county commissioners for the assessment of damages for the taking of any water rights until the water is actually withdrawn or diverted by said corporation. Any person whose water rights are thus taken or affected may apply as aforesaid, at any time within one year from the time when the water is first actually withdrawn or diverted.

Real estate.

SECTION 6. The said corporation may hold for the purposes aforesaid, real estate to the amount of fifty thousand dollars; and its whole capital stock shall not exceed two hundred thousand dollars, which shall be divided into shares of one hundred dollars each.

Capital stock and shares.

Penalty for diversion and corruption of water or injury to works.

SECTION 7. Any person who shall maliciously divert the water, or any part thereof, of the sources which shall be taken by the said corporation pursuant to the provisions of this act, or who shall maliciously corrupt the same or render it impure, or who shall maliciously destroy or injure any dam or reservoir, aqueduct, pipe or hydrant, or other property, held, owned or used by the said corporation, for the purposes of this act, shall pay three times the amount of actual damages, to the said company, to be recovered in an action of tort; and every such person, on conviction of either of the malicious acts aforesaid, shall be punished by fine not exceeding one hundred dollars, and imprisonment not exceeding six months.

Fitchburg may purchase property of company within one year.

SECTION 8. The town of Fitchburg may, at any time within one year from the passage of this act, purchase the corporate property, and all the rights and privileges of said

corporation, at such price as may be agreed upon between the parties; and in case the said town shall by vote determine to purchase said property, rights and privileges, and the parties cannot agree upon the price to be paid therefor, the supreme judicial court may, upon application of either party, and notice to the other, appoint three commissioners who shall determine the price which the said town shall be required to pay for the same, and their award, when accepted by said court shall be final.

Upon disagreement as to price S. J. court may appoint commissioners to determine.

SECTION 9. For the purpose of defraying the cost of such property, lands, water and water rights, as shall be purchased for the purposes aforesaid, the town of Fitchburg, through its treasurer, shall have authority to issue, from time to time, notes, scrip or certificates of debt, to be denominated on the face thereof "Fitchburg Water Scrip," to an amount not exceeding two hundred thousand dollars, bearing interest at a rate not exceeding six per cent. per annum, which interest shall be payable semi-annually, and the principal shall be payable at periods not more than twenty years from the issuing of the said scrip, notes or certificates respectively. Said treasurer, under the authority of said town, may sell the same, or any part thereof, from time to time, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as he may deem proper. Said town is further authorized to make appropriations, and assess, from time to time, such amounts, not exceeding in one year the sum of ten thousand dollars, towards paying the principal of the money so borrowed, and also a sum sufficient to pay the interest thereof, in the same manner as money is assessed and appropriated for other town purposes.

Town may issue "water scrip" to defray cost of purchase.

Amount.

Interest.

Principal, when payable.

May sell or pledge scrip for money borrowed.

May assess for payment of principal and interest.

SECTION 10. In case the town of Fitchburg shall purchase the property, rights and privileges of the corporation established by this act, said town shall exercise all the rights, powers and authority, and be subject to all the restrictions, duties and liabilities herein contained, in such manner, and by such officers, servants and agents, as the selectmen shall from time to time, ordain, appoint and direct. And said town shall be liable to pay all damages occasioned by the diversion of any water, or the obstruction of any stream, or the flowing of any lands, for the purposes of said aqueduct, which shall not have been previously paid by said corporation.

Powers and duties of town in case of purchase.

Liability for damages.

SECTION 11. This act shall take effect upon its passage.

Approved April 29, 1865.

[1866, 227.]

Chap. 178 AN ACT to confirm the Election of Town Officers and other Doings of the Town of Melrose.

Be it enacted, &c., as follows :

Election and
votes in March
'65 legalised.

SECTION 1. The election of town officers, and the several votes passed at the annual meeting of the inhabitants of the town of Melrose, holden on Monday, the twenty-seventh day of March in the year one thousand eight hundred and sixty-five, are hereby ratified, confirmed and made valid, to the same extent as if said meeting had been legally called.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1865.

[1865, 260.]

[1864, 292.]

Chap. 180 AN ACT to repeal Chapter two hundred and ninety-two of the Acts of eighteen hundred and sixty-four, relating to the Payment of Bounties, and for other Purposes.

Be it enacted, &c., as follows :

Repeal.

SECTION 1. Chapter two hundred and ninety-two of the acts of the year eighteen hundred and sixty-four entitled "An Act in further addition to an Act to provide for the Payment of Bounties to Volunteers, and for other purposes," is hereby repealed.

SECTION 2. This act shall take effect upon its passage.

Approved April 29, 1865.

Chap. 183 AN ACT to regulate the Herring or Alewife Fishery in Barlow's Pond and the Waters connected therewith, in Mattapoisett.

Be it enacted, &c., as follows :

Town may make
improvements
and regulate
fishery.

SECTION 1. The town of Mattapoisett is hereby authorized to make the necessary improvements for the preservation and taking of herrings or alewives in Barlow's Pond, and the waters connected therewith, and the outlet therefrom to the sea, and to do all acts necessary for the purpose of protecting and regulating a herring or alewife fishery in said waters.

May establish by-
laws, regulations
and penalties.

SECTION 2. The inhabitants of said town may, at any legal meeting called for that purpose, make such by-laws, with penalties for violation of the same, and such rules and regulations as they may deem proper for the preservation and protection of said fishery, and for the taking and disposal of said fish: *provided*, such by-laws are not inconsistent with the laws of this Commonwealth.

Proviso.

Regulations to be
posted.

SECTION 3. The selectmen shall annually post up the regulations so established, in two or more public places in said town, within ten days after their passage.

Penalty for viola-
tion.

SECTION 4. If any person shall take any of said fish in any of the waters aforesaid at a time or in a manner other

than shall be allowed by said town, such person shall, for each offence, on conviction thereof, pay a fine not exceeding twenty dollars.

SECTION 5. The said town of Mattapoisett shall be liable to pay all damages that shall be sustained by any persons in their property by the taking of any lands, or by the construction of any dams, sluiceways or other works, or by flowage, for the purpose of carrying into effect this act; and if any person sustaining damage as aforesaid, shall not agree with the selectmen of the town upon the damage to be paid therefor, the superior court holden within and for the county of Plymouth shall, upon the petition of such person, appoint three competent and disinterested persons to hear and award thereon; and their award, or that of any two of them, being accepted by said court, shall be final: *provided*, that said petition shall be filed in the office of the clerk of said court, within three years after such damage shall have been sustained, and not afterwards. Such person, if he shall so elect, may have his damages assessed and paid in the manner provided by law with respect to land taken for highways.

Town liable for damages in constructing works.

Upon disagreement as to damages, superior court to appoint commissioners.

Award accepted by court to be final.

Proviso.

Damages may be assessed.

SECTION 6. If at any time it shall be apparent that the establishment of the herring fishery herein provided for shall have sensibly diminished the catch of herrings at the weirs upon Hammond's River, in said Mattapoisett and in Rochester, then such equitable indemnity shall be rendered to the owners of said Hammond's River fishery, in fish or otherwise, as the legislature shall determine.

Indemnity to owners if catch of herrings diminish.

SECTION 7. This act shall take effect upon its passage.

Approved May 1, 1865.

[1859, 202; 1861, 4; 1862, 192; 1863, 36.]

AN ACT concerning the Lynn and Boston Railroad Company.

Chap. 184

Be it enacted, &c., as follows:

SECTION 1. The Lynn and Boston Railroad Company is hereby authorized to increase its capital stock by adding thereto a sum not exceeding one hundred thousand dollars: *provided, however*, that until said company shall have constructed and put its railway in operation, from its present terminus, in the city of Lynn, to the junction of Humphrey and Orient Streets, in the town of Swampscott, no more of said increased capital stock shall be issued or used than shall be necessary so to construct and put in operation said railway. And said company is hereby authorized to construct its said railway within one year from the passage of this act, either upon its present location in said Lynn and

May increase capital \$100,000.

Proviso.

May construct within one year.

Swampscott, or upon the new highway from Lewis Street in Lynn to Burrill Street in Swampscott, and thence upon Burrill Street to Humphrey Street, and thence upon Humphrey Street to Orient Street.

SECTION 2. This act shall take effect upon its passage.

Approved May 1, 1865.

[1863, 2, 309, 335.]

[1863, 112; 1864, 136.]

Chap. 187 AN ACT in addition to an Act to incorporate the American Steamship Company.

Be it enacted, &c., as follows :

Time extended
for performance
of certain acts.

The periods of time allowed to the American Steamship Company, for the performance of the acts required of said company by the fourth section of the one hundred and twelfth chapter of the acts of the year eighteen hundred and sixty-three, are hereby severally extended one year beyond the time now allowed by law.

Approved May 3, 1865.

[1867, 64.]

Chap. 188 AN ACT to incorporate the Martha's Vineyard Steamboat Company.

Be it enacted, &c., as follows :

Corporators.

Name and pur-
pose.

Powers and
duties.

Real and personal
estate.

Capital stock and
shares.

SECTION 1. Thomas Bradley, Ira Darrow, Henry L. Whiting, and their associates, are hereby made a corporation by the name of the Martha's Vineyard Steamboat Company, for the purpose of running steamboats and sailing vessels for the convenience of public travel, excursions and the transportation of merchandise, between Edgartown, Holmes' Hole, Wood's Hole and New Bedford, and for the towing of ships and vessels; with all the rights and privileges, and subject to all the duties, liabilities and restrictions, set forth in all general laws which now are or may hereafter be in force and applicable to such corporations.

SECTION 2. Said corporation may hold such real and personal estate as may be necessary for the purpose aforesaid; but the capital stock of said company shall not exceed one hundred thousand dollars, and shall be divided into shares of fifty dollars each.

SECTION 3. This act shall take effect upon its passage.

Approved May 3, 1865.

Chap. 189 AN ACT to incorporate the Cape Cod Foundry Company.

Be it enacted, &c., as follows :

Corporators.

Name and pur-
pose.

SECTION 1. Owen Bearse, Cyrus F. Bullock, N. Oscar Bond, their associates and successors, are hereby made a corporation by the name of the Cape Cod Foundry Company, for the purpose of casting and manufacturing stoves and other work pertaining to iron, and holding patents for

stoves and designs for stoves, and dealing therewith, and for this purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Powers and duties.

SECTION 2. The said corporation shall have its place of business and its manufactory in the village of Hyannis in the town of Barnstable, and for this purpose may hold real estate not exceeding in amount ten thousand dollars; and the capital stock of said corporation shall not exceed twenty-five thousand dollars, and shall be divided into shares of one hundred dollars each: *provided, however*, that said corporation shall not go into operation until the sum of ten thousand dollars of its capital stock has been paid in.

Location.

Real estate.

Capital stock.

Proviso: shall not begin business till \$10,000 capital is paid.

SECTION 3. This act shall take effect upon its passage.

Approved May 3, 1865.

AN ACT for supplying the Town of Adams with Pure Water.

Chap. 190

Be it enacted, &c., as follows:

SECTION 1. The North Adams fire district is hereby authorized, by and through the agency of three commissioners to be appointed in the manner hereinafter provided, to take, hold and convey to, into and through the village of North Adams, the water of any spring or springs, or of any natural pond or ponds, brook or brooks within said town of Adams, north of the old military line in said town; and said district may also take and hold, by purchase or otherwise, any real estate necessary for laying and maintaining aqueducts for conducting, discharging and distributing water, and for forming reservoirs; and may take and hold any land in or around any such pond, spring or brook, so far as may be necessary for the preservation and purity of the same, for the purpose of furnishing a supply of water for the village of North Adams, and for public purposes.

North Adams fire district may convey certain waters into village.

Real estate.

SECTION 2. The said fire district may, by and through the same agency, make and build one or more permanent aqueducts from any of the sources before mentioned into and through said village, and have and maintain the same by any works suitable therefor; may erect and maintain dams to raise and retain the waters therein; may make and establish public hydrants in such places as may be from time to time deemed proper, and prescribe the purposes for which they may be used; and may change and discontinue the same; may distribute the water throughout the village; may regulate the use of said water and establish the rents to be paid therefor. And said fire district may, for the purposes

May hold aqueducts, dams, &c., establish hydrants, and distribute and regulate use of water.

May carry works over or under water-course and highways.

Commissioners to superintend works.

May establish rules and regulations.

Term of office of commissioners.

Removal.

Vacancies in board.

Quorum.

Annual report.

Compensation.

Commission terminating, powers revert to district.

Liability of fire district for damages.

aforesaid, carry and conduct any aqueducts or other works by them to be made and constructed, over and under any water-course, street, turnpike, railroad, highway or other way, in such manner as not to obstruct or impede travel thereon, and may do any other things necessary and proper to repair the same, and in execution of the purposes of this act.

SECTION 3. Three commissioners shall be chosen by the said fire district by ballot, who shall, during their continuance in office, execute, superintend and direct the performance and execution of all the works, matters and things mentioned in the preceding sections, that are not specially otherwise provided for in this act; and they shall be subject to such rules and regulations, in the execution of their said trust, as the said district may, from time to time, ordain and establish, not inconsistent with the provisions of this act and the laws of this Commonwealth. They shall respectively hold their said offices for the term of three years next after their appointment, unless the works aforesaid shall sooner be completed; but they, or either of them, after having had an opportunity to be heard in his or their defence, may be removed at any time by a vote of two-thirds of the voters present at any legal meeting of the district; and in case of a vacancy in the board, such vacancy may be filled by the appointment of another commissioner, in manner aforesaid, who shall hold his office for the residue of the three years. A major part of said commissioners shall be a quorum to do business; they shall once a year, and whenever required by a vote of the said district, make and present in writing a full and particular statement of all their acts and doings, and of the condition and progress of the works aforesaid.

SECTION 4. Before the appointment of the commissioners aforesaid, the said district shall establish the salaries or compensation to be paid said commissioners, and such salaries or compensation shall not be altered during their continuance in said office.

SECTION 5. Whenever the office of said commissioners shall cease, either by expiration of their term of office or the completion of the works, all the rights, powers and authority given to the said fire district by this act, shall then and thenceforth be exercised by the said fire district, subject to the duties, liabilities and restrictions herein contained, in such manner and by such officers and agents as the said district shall, from time to time, ordain and direct.

SECTION 6. The said district shall be liable to pay all damages that shall be sustained by any persons in their

property, by the taking of any land, water or water rights, or by constructing any aqueducts, reservoirs or other works, for the purposes specified in this act; and if any person who shall sustain damage as aforesaid, cannot agree with said commissioners upon the amount of said damages, he may have them assessed by the county commissioners for the county of Berkshire, by making a written application therefor, within two years after the said water or water rights shall have been taken, or after the said aqueducts, reservoirs or other works have been constructed under this act. A party aggrieved by the doings of said commissioners in the estimation of said damages, may, on application in writing to the commissioners, have a jury to determine the matter of his complaint, and thereupon the same proceedings shall be had as is provided in chapter forty-three of the General Statutes in regard to highways.

County commissioners may assess, in case of disagreement, or appoint jury.

Party aggrieved may have jury.

SECTION 7. For the purpose of paying all costs and expenses of such estates, water and water rights as shall be taken, purchased or held, for the purposes of this act, and for the construction of all works necessary for the accomplishment of the purposes aforesaid, and all expenses incident thereto, the town of Adams shall have authority to issue from time to time, notes, certificates or scrip, to be denominated "Adams Water Scrip," to an amount not to exceed, in the whole, fifty thousand dollars, bearing interest at a rate not exceeding six per cent. per annum; and said interest shall be payable semi-annually, and the principal shall be made payable at periods not more than twenty years from the date of issue.

Town of Adams may issue "water scrip."

Amount.

Interest.

Payable in twenty years.

All such notes, certificates or scrip shall be signed by the treasurer of the town, and countersigned by the chairman of the selectmen; and a record thereof shall be made and kept by said treasurer. And said fire district may, from time to time, sell the same or any part thereof, at public or private sale, or pledge the same for borrowed money for the purposes aforesaid.

Issue of scrip.

Sale of scrip.

SECTION 8. The town of Adams is hereby fully authorized to assess and collect upon the polls and estates, real and personal, in said fire district, all taxes necessary to pay the principal and interest of the scrip that shall be sold or pledged by said district as aforesaid.

Assessments for payment of scrip.

SECTION 9. If any person shall use any of said water without the consent of the said district, an action of tort may be maintained by said district against him for damages therefor; and if any person shall wantonly or maliciously divert the water or any part thereof, of either of the ponds, brooks,

Unauthorized use of water.

Penalty for wantonly diverting or corrupting

waters or injuring works.

streams or water-courses which shall be taken by the said district pursuant to the provisions of this act, or shall corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, hydrant or other property held or owned by the said district, by the authority and for the purposes of this act, every such person shall forfeit and pay to said district three times the amount of the damages that shall be assessed therefor, to be recovered in any proper action. And, moreover, any such person may, upon conviction of either of the wanton or malicious acts aforesaid, be punished by fine not exceeding three hundred dollars, and imprisonment not exceeding one year.

Acceptance of Act by legal voters; manner of proceeding.

SECTION 10. There shall be a legal meeting of the voters of the said fire district called within four years after the passage of this act, for the purpose of having the said voters give in their written votes on the question whether they will accept this act, and if two-thirds of said votes shall be in the affirmative, then the selectmen of the town of Adams shall warn a meeting of the voters of said town within three months thereafter, for the purpose of having said voters give in their votes upon the question whether they will accept the same; and if two-thirds of said votes given upon the question aforesaid shall be in the affirmative, then this act shall be binding, otherwise it shall be null and void.

Conditions of validity.

SECTION 11. This act shall take effect upon its passage.

Approved May 3, 1865.

[1866, 99; 1867, 54.]

[1837, 154; 1845, 59.]

Chap. 192

AN ACT concerning the Granite Bridge Corporation.

Be it enacted, &c., as follows:

County commissioners may lay out as highway.

SECTION 1. The county commissioners for the county of Norfolk may, with the assent of the Granite Bridge Corporation, lay out the turnpike, ways, bridge and draw belonging to said corporation, as a common highway in accordance with the provisions of this act, and have and exercise the same powers relating thereto as are now had and exercised by them in the laying out of turnpikes as common highways; excepting that in the allowance and payment of damages under the provisions of the fifteenth section of the sixty-second chapter of the General Statutes, so much of said section as requires the towns through which said ways pass to refund the same, shall not apply.

Allowance for damages, G. S. how to apply.

Reconstruction of bridge by commissioners.

SECTION 2. In case said commissioners shall proceed under section first to lay out said turnpike, bridge and draw as a common highway, they shall cause said bridge to be put

in substantial repair, and so far reconstruct the same that it shall be safe and convenient for travel, preserving in the place where now located a draw and passage-way for vessels of at least the width now required by law ; and said commissioners from the time said turnpike, bridge and draw are laid out and established as a common highway until they shall have given the notice hereinafter provided, shall provide draw-tenders for said draw, and other necessary agents, and be subject to the duties and liabilities imposed on said corporation by the third section of chapter one hundred and fifty-four of the acts of the year eighteen hundred and thirty-seven ; and the expenses and liabilities incurred under this section shall be paid from the county treasury.

Shall provide draw-tenders until completed.

Expense, how paid.

SECTION 3. Upon due notice given by said commissioners to the clerk of the towns in which said bridge lies, that said bridge has been reconstructed and is in substantial repair so that the same is safe and convenient for travel, such towns shall each thenceforth be responsible for the care, maintenance and repair of the portion of said bridge lying on its own side of the same and extending to the centre of the draw, and they shall at their joint expense provide draw-tenders for said draw, and other necessary agents ; and said towns shall be jointly liable to raise the draw and afford all necessary and proper accommodation to vessels having occasion to pass the same by day or by night, and shall keep a sufficient light for vessels at said draw ; and if any vessels shall be unreasonably delayed or hindered in passing said draw by the negligence of said towns or their agents in discharging the duties enjoined by this act, the owners or masters of such vessels may receive reasonable damages therefor of said towns in an action of tort before any court proper to try the same.

Upon notice of completion, towns to be liable for care and maintenance.

Draw-tenders and agents to be provided at joint expense.

Accommodations

Damages for unreasonable detention of vessels.

SECTION 4. This act shall take effect upon its passage.

Approved May 4, 1865.

[1863, 220; 1864, 223.]

AN ACT to authorize the Town of Amherst to raise Fifty Thousand Dollars for the Agricultural College. *Chap. 195*

Be it enacted, &c., as follows :

SECTION 1. The town of Amherst is hereby authorized to raise, by issuing its bonds, or by loan of tax, the sum of fifty thousand dollars, to be appropriated and paid to the Massachusetts Agricultural College, out of the treasury of the town, and applied in the erection of suitable buildings upon the farm of said college in said town : *provided*, that at a legal town meeting, called for that purpose, two-thirds of the

May issue bonds or raise by loan or tax.

Proviso: vote of citizens required.

voters present and voting thereon shall vote to raise said amount for said object.

SECTION 2. This act shall take effect upon its passage.

Approved May 5, 1865.

[1865, 240.]

[1835, 10; 1848, 32; 1850, 191; 1854, 338; 1855, 313; 1856, 189, 272; 1857, 95; 1860, 14, 96; 1861, 118; 1862, 35, 148; 1863, 72; 1864, 61, 104.]

Chap. 196 AN ACT concerning the Overseers of the Poor in the City of Worcester.

Be it enacted, &c., as follows :

Board of overseers of the poor.

SECTION 1. The board of overseers of the poor in the city of Worcester shall consist of nine members, residents of said city. The mayor, superintendent of public schools, and the city marshal, shall be *ex officio* members of the board. The mayor shall be *ex officio* president of the board.

City council to elect six in Dec. '65.

SECTION 2. The city council shall, in the month of December next, elect, by concurrent ballot, six persons to be members of said board of overseers, to hold their offices for the terms hereinafter stated, and until others are elected

Tenures of office.

and qualified in their places, to wit: two members for the term of one year, two for the term of two years, and two for the term of three years, from the third Monday of January, in the year one thousand eight hundred and sixty-six; and in the month of December of each year, after said first election, two persons shall be elected, as aforesaid, to be members of said board for the term of three years, and until others shall be elected and qualified in their places. But no more than one of the six members, so to be elected, shall be eligible from any one ward of said city.

Annually in Dec. to elect two.

Eligibility for re-election.

Vacancies, council may fill by concurrent vote.

Vacancies occurring in the board may be filled, by concurrent ballot of the city council, at any time, the member so elected to hold office for only the unexpired term of the member who has ceased to hold office. The city council shall also have power, at any time, for cause, to remove either of said overseers from office.

May remove for cause.

Organization of board.

SECTION 3. The persons so first elected shall meet and be organized on the third Monday of January after their election; and thereafterwards the board shall be organized annually on the third Monday of January.

Duties and powers of overseers.

SECTION 4. Said overseers shall perform the duties of the overseers of the poor, of the directors of the almshouse and of the truant commissioners in the city of Worcester, as required by the statutes of the Commonwealth, and subject to the ordinances of the city of Worcester, and there shall be elected no other officers for the performance of said duties in said city.

SECTION 5. The present board of overseers of the poor for the city of Worcester shall continue to hold their offices until the organization of the board elected as above, and no longer.

Present board to hold until organization of new.

SECTION 6. This act shall be submitted to a vote of the people of the city of Worcester, at the annual election to be held in the month of November next, in such manner as the mayor and aldermen shall prescribe, and shall be void unless accepted by the people upon such vote. And it shall be the duty of the mayor and of the clerk of said city, to return to the secretary of the Commonwealth a certificate, signed by them, of the result of such vote.

Act to be submitted to people.

Void unless accepted. Mayor and clerk to certify secretary Commonwealth.

Approved May 5, 1865.

[1866, 199; 1867, 106, 269; 1868, 195.]

AN ACT for supplying the Town of Great Barrington with Pure Water. *Chap. 198*
Be it enacted, &c., as follows :

SECTION 1. The Great Barrington Fire District is hereby authorized by and through the agency of three commissioners, to be appointed in the manner hereinafter provided, to take, hold and convey to, into and through the village of Great Barrington, the water of East Mountain Brook, so called, flowing by the gun-shop now occupied by G. C. Crosby, and emptying into the Housatonic River, in said town of Great Barrington, and the waters which may flow into said brook, and any water rights connected therewith; and said district may also take and hold, by purchase or otherwise, any real estate necessary for laying and maintaining aqueducts for conducting, discharging, disposing of and distributing water, and for forming reservoirs; and also may take and hold any land on and around said stream, so far as may be necessary for the preservation and purity of the same, for the purpose of furnishing a supply of water for the town and village of Great Barrington, and for public purposes.

Fire district, under commissioners, may take water of East Mountain Brook, &c.

May take real estate for necessary purposes.

SECTION 2. The said fire district may, by and through the same agency, make and build one or more permanent aqueducts, from the brook aforesaid, to, into and through the said village, and have and maintain the same by any works suitable therefor; may erect and maintain dams to raise and retain the waters therein; may make and maintain reservoirs within and without the said village; may make and establish public fountains, and such public hydrants, in such places as may from time to time be deemed proper, and prescribe the purposes for which they may be used, and may change or discontinue the same; may distribute the water throughout the village; may regulate the use of said water, and estab-

May build aqueducts, dams, reservoirs, fountains and hydrants and remove same.

May regulate use of water.

May conduct works over or under any aqueduct or way.

lish the prices or rents to be paid therefor. And the said fire district may, for the purposes aforesaid, carry and conduct any aqueducts or other works, by them to be made and constructed, over or under any water-course, street, turnpike road, railroad, highway or other way, in such manner as not to obstruct or impede travel thereon, and may enter upon and dig up any such road, street or way, for the purpose of laying down pipes beneath the surface thereof, and for maintaining and repairing the same ; and may do any other things necessary and proper in executing the purposes of this act.

Commissioners to be chosen by district.

SECTION 3. Three commissioners shall be chosen by the said fire district by ballot, who shall, during their continuance in office, execute, superintend and direct the performance and execution of all the works, matters and things mentioned in the preceding sections that are not specially otherwise provided for in this act ; they shall be subject to such ordinances, rules and regulations, in the execution of their said trust, as the said district may from time to time ordain and establish, not inconsistent with the provisions of this act, and the laws of this Commonwealth ; they shall respectively hold their said offices for the term of three years, next after their appointment, unless the works aforesaid shall be sooner completed ; but they, or either of them, after having had an opportunity to be heard in his or their defence, may be removed at any time, by vote of two-thirds of the voters present at any legal meeting of the district ; and, in case of a vacancy in the board by death, resignation or removal, such vacancy may be filled by the appointment of another commissioner in the manner aforesaid, who shall hold his office for the residue of the three years, with all the powers and subject to the restrictions aforesaid. A major part of said commissioners shall be a quorum to do business ; they shall once a year, and whenever required by a vote of the said district, make and present in writing a full and particular statement of all their acts and doings, and of the condition and progress of the works aforesaid.

Tenure of office.

Vacancy in board how filled.

Quorum.

Annual report.

Salaries to be established before appointment.

SECTION 4. Before the appointment of the commissioners aforesaid, the said district shall establish the salaries or compensation to be paid to the commissioners for their services, and the said salaries or rate of compensation so established, shall not be altered during their continuance in said office.

Powers of commissioners to revert to district upon completion of works.

SECTION 5. Whenever the office of said commissioners shall cease, either by the expiration of said term of three years, or by the completion of the works as mentioned in the

foregoing sections of this act, all the rights, powers and authority given to the said fire district by this act shall then and thenceforth be exercised by the said fire district, subject to the duties, liabilities and restrictions herein contained, in such manner and by such officers and agents as the said district shall from time to time ordain and direct.

SECTION 6. The said district shall be liable to pay all damages that shall be sustained by any persons in their property, by the taking of any land, water or water rights, or by the constructing of any aqueducts, reservoirs or other works for the purposes specified in this act. And if any person who shall sustain damage as aforesaid cannot agree with said commissioners upon the amount of said damages, he may have them assessed by the county commissioners for the county of Berkshire, by making a written application therefor within two years after the said water or water rights shall have been taken under this act; and if either party be aggrieved by the doings of said commissioners in the estimation of said damages, he or they may have said damages settled by a jury; and the said commissioners and jury shall have the same powers, and the proceedings in all respects shall be conducted in the same manner, as is provided in chapter forty-three of the General Statutes with respect to highways.

District to be liable for damages.

Party dissatisfied with award may appeal to county commissioners within two years.

If aggrieved may have jury.

Powers and procedure.

SECTION 7. For the purpose of paying all costs and expenses of such land, waters and water rights as shall be taken, purchased or held for the purposes of this act, and for the construction of all works necessary for the accomplishment of the purposes aforesaid, and all expenses incident thereto, the town of Great Barrington shall have authority to issue, from time to time, notes, scrip or certificates of debt, to be denominated on the face thereof "Great Barrington Water Scrip," to an amount not exceeding in the whole the sum of twenty-five thousand dollars, bearing interest at a rate not exceeding the legal rate of interest of this Commonwealth; and said interest shall be payable semi-annually, and the principal shall be payable at periods not more than thirty years from the issuing of said notes, scrip or certificates, respectively. All notes, scrip and certificates of debt to be issued as aforesaid, shall be signed by the treasurer of the town, and a record of all such notes, scrip and certificates shall be made and kept by the said treasurer; and the said fire district may sell the same or any part thereof, from time to time, at public or private sale, or pledge the same for money borrowed for the purposes aforesaid, on such terms and conditions as the said fire district shall judge proper.

Town may, for payment of costs, issue water scrip.

Amount.

Interest.

Payment.

Scrip, how issued and recorded.

District may sell or pledge.

Town may tax
polls and estate
for redemption of
scrip.

SECTION 8. The town of Great Barrington is hereby fully authorized to assess and collect upon the polls and estate, real and personal, in said fire district, all taxes necessary to pay the principal and interest of the scrip that shall be sold or pledged by the said district as aforesaid.

Unauthorized use
of water, remedy.

SECTION 9. If any person shall use any of the said water without the consent of the said district, an action of tort may be maintained by the said district against him for the recovery of damages therefor; and if any person shall wantonly or maliciously divert the water, or any part thereof, of said brook, or of any streams or water-courses which shall be taken by the said district, pursuant to the provisions of this act, or shall corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other property, held, owned or used by the said district by the authority and for the purposes of this act, every such person shall forfeit and pay to the said district three times the amount of the damages that shall be assessed therefor, to be recovered by any proper action. And any such person, moreover, may, on conviction of either of the wanton or malicious acts aforesaid, be punished by fine not exceeding three hundred dollars, and imprisonment not exceeding one year.

Damages for di-
version or corrup-
tion of water or
injury to works.

Penalty, fine and
imprisonment.

Meeting of voters
of fire district
upon acceptance
of Act.

SECTION 10. There shall be a legal meeting of the voters of the said fire district called within four years after the passage of this act, for the purpose of having the said voters give in their written votes on the question whether they will accept this act; and if two-thirds of said votes shall be in the affirmative, then the selectmen of the town of Great Barrington shall warn a meeting of the voters of said town within three months after, for the purpose of having said voters give in their written votes upon the question whether they will accept the same; and if two-thirds of said votes given upon the question aforesaid be in the affirmative, then this act shall be binding, otherwise it shall be null and void.

Two-thirds af-
firming, town to
vote.

Town affirming,
Act to be in
force; otherwise
void.

SECTION 11. This act shall take effect upon its passage.

Approved May 5, 1865.

[1868, 300.]

[1861, 89.]

Chap. 199 AN ACT to incorporate the Chelsea and East Boston Street Railway Company.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. Hosea Ilsley, Nehemiah Boynton, James P. Farley, their associates and successors, are hereby made a corporation, by the name of the Chelsea and East Boston Street Railway Company; with all the privileges, and subject to all the duties, liabilities and requirements set forth in all

Powers and du-
ties.

general laws which now are or may hereafter be in force relative to street railway corporations.

SECTION 2. Said company may, provided the mayor and aldermen of the cities of Boston and Chelsea shall determine to locate its tracks within their respective cities, construct, maintain and use a street railroad, with single or double tracks, with convenient and suitable turnouts, from the termination of the street railway known as the Suffolk Railroad, on Meridian Street, in that part of Boston called East Boston, to the bridge connecting Boston and Chelsea known as Meridian Street Bridge, thence over said bridge and over such streets in Chelsea as may be determined by the mayor and aldermen thereof, to some point in said city of Chelsea near the Malden Street station of the Eastern Railroad, or to some point near the proposed station of said Eastern Railroad near its intersection with the Salem turnpike.

May, with approval of mayor and aldermen of Boston and Chelsea, construct from termination of Suffolk road in East Boston to Chelsea.

SECTION 3. Said company may lease or convey its tracks, franchise or other property, to any street railway corporation with whose tracks its tracks may connect, and may purchase, maintain and use any tracks of the Suffolk Railroad in East Boston, and may enter upon and use the tracks of any other street railroad company within the cities of Boston and Chelsea, with the consent of the company owning the same, and the mayor and aldermen of the city within which the same may be located.

May lease or sell to other company.

May purchase Suffolk and use tracks of other companies with consent.

SECTION 4. The capital stock of said Chelsea and East Boston Street Railway Company shall not exceed one hundred thousand dollars.

Capital stock.

SECTION 5. The said cities of Boston and Chelsea, respectively, may, at any time during the continuance of the charter of this company, and after the expiration of ten years from the opening for use of its said tracks, purchase of the company hereby established all its franchise, rights and property in their respective limits, by paying to the said company therefor such sum of money as will reimburse to each person who may then be a stockholder therein, the par value of his stock, together with a net profit of ten per centum per annum from the time of the issue of his stock, deducting the dividends received by such stockholder thereon.

Cities of Boston and Chelsea, after ten years, may purchase franchise and property.

Conditions.

SECTION 6. The preceding sections of this act shall be void if the Winthrop Railroad Company shall, under the provisions of its charter, within twenty days after locations have been granted by the city of Boston, commence to build said railroad, and shall, within thirty days after such commencement, have completed the connection between the tracks of the Suffolk Railroad, in the city of Boston, and the

Winthrop company building road under charter within thirty days, this Act to be void.

Town may tax
polls and estate
for redemption of
scrip.

SECTION 8. The town of Great Barrington is hereby fully authorized to assess and collect upon the polls and estate, real and personal, in said fire district, all taxes necessary to pay the principal and interest of the scrip that shall be sold or pledged by the said district as aforesaid.

Unauthorized use
of water, remedy.

SECTION 9. If any person shall use any of the said water without the consent of the said district, an action of tort may be maintained by the said district against him for the recovery of damages therefor; and if any person shall wantonly or maliciously divert the water, or any part thereof, of said brook, or of any streams or water-courses which shall be taken by the said district, pursuant to the provisions of this act, or shall corrupt the same, or render it impure, or destroy or injure any dam, aqueduct, pipe, conduit, hydrant, machinery or other property, held, owned or used by the said district by the authority and for the purposes of this act, every such person shall forfeit and pay to the said district three times the amount of the damages that shall be assessed therefor, to be recovered by any proper action. And any such person, moreover, may, on conviction of either of the wanton or malicious acts aforesaid, be punished by fine not exceeding three hundred dollars, and imprisonment not exceeding one year.

Damages for di-
version or corrup-
tion of water or
injury to works.

Penalty, fine and
imprisonment.

Meeting of voters
of fire district
upon acceptance
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SECTION 10. There shall be a legal meeting of the voters of the said fire district called within four years after the passage of this act, for the purpose of having the said voters give in their written votes on the question whether they will accept this act; and if two-thirds of said votes shall be in the affirmative, then the selectmen of the town of Great Barrington shall warn a meeting of the voters of said town within three months after, for the purpose of having said voters give in their written votes upon the question whether they will accept the same; and if two-thirds of said votes given upon the question aforesaid be in the affirmative, then this act shall be binding, otherwise it shall be null and void.

Two-thirds af-
firming, town to
vote.

Town affirming,
Act to be in
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Powers and du-
ties.

general laws which now are or may hereafter be in force relative to street railway corporations.

SECTION 2. Said company may, provided the mayor and aldermen of the cities of Boston and Chelsea shall determine to locate its tracks within their respective cities, construct, maintain and use a street railroad, with single or double tracks, with convenient and suitable turnouts, from the termination of the street railway known as the Suffolk Railroad, on Meridian Street, in that part of Boston called East Boston, to the bridge connecting Boston and Chelsea known as Meridian Street Bridge, thence over said bridge and over such streets in Chelsea as may be determined by the mayor and aldermen thereof, to some point in said city of Chelsea near the Malden Street station of the Eastern Railroad, or to some point near the proposed station of said Eastern Railroad near its intersection with the Salem turnpike.

May, with approval of mayor and aldermen of Boston and Chelsea, construct from termination of Suffolk road in East Boston to Chelsea.

SECTION 3. Said company may lease or convey its tracks, franchise or other property, to any street railway corporation with whose tracks its tracks may connect, and may purchase, maintain and use any tracks of the Suffolk Railroad in East Boston, and may enter upon and use the tracks of any other street railroad company within the cities of Boston and Chelsea, with the consent of the company owning the same, and the mayor and aldermen of the city within which the same may be located.

May lease or sell to other company.

May purchase Suffolk and use tracks of other companies with consent.

SECTION 4. The capital stock of said Chelsea and East Boston Street Railway Company shall not exceed one hundred thousand dollars.

Capital stock.

SECTION 5. The said cities of Boston and Chelsea, respectively, may, at any time during the continuance of the charter of this company, and after the expiration of ten years from the opening for use of its said tracks, purchase of the company hereby established all its franchise, rights and property in their respective limits, by paying to the said company therefor such sum of money as will re-imburse to each person who may then be a stockholder therein, the par value of his stock, together with a net profit of ten per centum per annum from the time of the issue of his stock, deducting the dividends received by such stockholder thereon.

Cities of Boston and Chelsea, after ten years, may purchase franchise and property.

Conditions.

SECTION 6. The preceding sections of this act shall be void if the Winthrop Railroad Company shall, under the provisions of its charter, within twenty days after locations have been granted by the city of Boston, commence to build said railroad, and shall, within thirty days after such commencement, have completed the connection between the tracks of the Suffolk Railroad, in the city of Boston, and the

Winthrop company building road under charter within thirty days, this Act to be void.

Proviso: Winthrop road to commence by July 15, '65.

Winnissimmet Railroad, in the city of Chelsea: *provided, however*, that said location shall have been granted, and the said Winthrop Railroad actually commenced, on or before the fifteenth day of July, in the year eighteen hundred and sixty-five.

SECTION 7. This act shall take effect upon its passage.

Approved May 5, 1865.

[1868, 335.]

[1865, 60.]

Chap. 200 AN ACT in further addition to an Act to incorporate the Cape Cod Central Railroad Company.

Be it enacted, &c., as follows:

\$100,000 additional capital stock.

SECTION 1. The Cape Cod Central Railroad Company is hereby authorized to increase its capital stock by an amount not exceeding one hundred thousand dollars.

SECTION 2. This act shall take effect upon its passage.

Approved May 5, 1865.

[1868, 66, 133.]

[1865, 118.]

Chap. 201 AN ACT relating to the Salem and South Danvers Railroad Company.

Be it enacted, &c., as follows:

May issue bonds.

SECTION 1. The Salem and South Danvers Railroad Company is hereby authorized to issue bonds, secured by a mortgage of its road, equipment and franchise, or other real and personal property, upon the terms and conditions set forth in the sixty-third chapter of the General Statutes applicable to railroad corporations: *provided*, that the amount of bonds so to be issued shall not exceed five thousand dollars for each mile of road actually built by said company.

Proviso: not to exceed \$5,000 per mile.

Compensation for use of Essex bridge may be revised by county commissioners.

SECTION 2. The county commissioners for the county of Essex may hereafter, upon the application of said company, and from time to time afterwards, but not oftener than once in two years, revise, alter and amend any decree or award made by them determining the amount of compensation to be paid to the Commonwealth by said company for the use of Essex Bridge: *provided*, that no such revisal shall be made at any time while said company shall be owing any amount on account of any previous award.

Proviso.

Commissioners may make award for costs.

SECTION 3. The county commissioners may make such award or order concerning costs and expenses, as may appear to them just and reasonable.

SECTION 4. This act shall take effect upon its passage.

Approved May 5, 1865.

[1867, 6.]

[1861, 89; 1863, 68; 1865, 199.]

AN ACT in addition to an Act to incorporate the Winthrop Railroad Company. *Chap. 202*

Be it enacted, &c., as follows :

SECTION 1. All rights of the Winthrop Railroad Company, granted under its act of incorporation and the acts in addition thereto, subject to any modifications of the same by the general laws relating to horse railways, are hereby revived ; and the time for accepting, locating and constructing said road, in the several cities and towns, is hereby extended to the first day of June, in the year eighteen hundred and sixty-seven. Time for locating extended.

SECTION 2. This act shall take effect upon its passage.

Approved May 5, 1865.

[1867, 120, 202.]

[1830, 56; 1861, 88, 183; 1863, 226.]

AN ACT in addition to an Act to incorporate the Boston Society of Natural History. *Chap. 203*

Be it enacted, &c., as follows :

SECTION 1. The Boston Society of Natural History shall have power to hold real and personal estate, the clear annual income whereof shall not exceed the sum of twenty thousand dollars, to be applied exclusively to the purposes set forth in the act incorporating said society. May hold estate for corporate purposes.

SECTION 2. This act shall take effect upon its passage.

Approved May 5, 1865.

AN Act to incorporate the Indemnity Life Insurance Company.

Chap. 204

Be it enacted, &c., as follows :

SECTION 1. Franklin Haven, Edward S. Tobey, Samuel H. Walley, their associates and assigns, are hereby made a corporation by the name of the Indemnity Life Insurance Company, to be established and located in the city of Boston, for the purpose of making insurance upon lives ; with all the powers and privileges, and subject to the duties, liabilities and restrictions, set forth in all general laws that now are or may hereafter be in force and applicable to such corporations. Corporators.
Name and purpose.
Powers and duties.

SECTION 2. Said company shall have power to insure lives of persons in unsound health, or having any inherited or constitutional tendency to disease, or engaged in any hazardous occupation, or residing or proposing to reside in any unhealthful locality, or engaged in actual service in the army or navy of the United States, or refused or liable to be refused insurance by any company for any cause whatsoever. May insure lives subject to extra risk.

SECTION 3. Before any policy shall be issued the board of directors shall divide the risks to be assumed by the said Risks to be classified before issue of policies.

company into distinct and separate classes, and for each class they shall establish a scale or table of premium rates to be paid by applicants for, and holders of policies issued by said company.

Directors to assign applications to classes.

Premiums, how determined.

Capital stock and shares.

Payment of capital.

Dividends, conditions for, required.

Directors may establish rates of premium in their discretion.

Valuation of liabilities to be made in January annually.

Surplus to be made permanent guarantee fund.

Interest may be paid stockholders.

Fund and capital, limitation.

SECTION 4. Whenever any person shall apply to the said company for life insurance it shall be the duty of the officers, under such regulations as the board of directors may establish, to assign the risk offered to one of the classes so established as aforesaid, and the premium to be charged upon the policy issued upon such application shall be determined in accordance with the table of rates corresponding to the class to which such risk may have been assigned.

SECTION 5. The capital stock shall be two hundred thousand dollars, and shall be divided into shares of one hundred dollars each, and the whole of such capital shall be paid in cash, before the said corporation shall go into operation for the purpose of making insurance.

SECTION 6. Whenever the net surplus receipts of the said corporation, over the losses and expenses, and after providing for risks, shall be sufficient for the purpose, the stockholders shall be entitled to an annual dividend of seven per cent., or to such less dividend as may be agreed on at the time of subscribing for the stock; and in case of such dividend not being made in any one year, it shall be made good at a subsequent period, when the net resources of the company shall be sufficient for paying the same.

SECTION 7. Nothing contained in this act shall be construed to prevent the board of directors from modifying, altering and amending, in their discretion, the tables of premium rates, and the classes into which their risks may be divided, nor from imposing and charging an extra premium for the assumption of a special risk, not covered by the policy.

SECTION 8. Within sixty days after the first day of January in each year, except as hereinafter provided, a net valuation of the liabilities of the company shall be made, regarding four-fifths of the premiums charged on each policy as the net premium; and after reserving a sufficient sum for interest dividends and to re-insure all outstanding risks, and meet other liabilities if any exist, the entire surplus or net profits shall be set apart to be held by the company as a permanent guarantee fund, for the protection of the policy holders, and subject to losses of the company; but interest thereon, at the rate of seven per centum, may be paid semi-annually to the stockholders, *pro rata*.

SECTION 9. Whenever the said guarantee fund, together with the capital stock of the company, shall reach the sum of

one million dollars, the further accumulation of profits shall cease, except as hereinafter provided, and the entire profits of the company may thereafter be proportionally divided among the stockholders: *provided, however*, that in case the said capital stock and guarantee fund shall at any time be reduced below said sum, by losses of the company or otherwise, no dividend other than for interest shall be paid to the stockholders until the said capital and guarantee fund shall be again made up to the sum of one million dollars.

Dividends.

Proviso.

SECTION 10. This act shall take effect upon its passage.

Approved May 9, 1865.

[1862, 156; 1863, 214.]

AN ACT relating to Land Damages and other Claims connected with the Troy and Greenfield Railroad and Hoosac Tunnel. *Chap. 210*

Be it enacted, &c., as follows:

SECTION 1. The commissioners on the Troy and Greenfield Railroad and Hoosac Tunnel, appointed in pursuance of chapter one hundred and fifty-six of the acts of the year eighteen hundred and sixty-two, are hereby authorized, with the aid and advice of the attorney-general, to audit and allow all just claims on account of land taken or purchased for the location and construction of said road and tunnel, which accrued prior to the sixth day of April in the year eighteen hundred and sixty, and are still outstanding; and to procure the discharge of all incumbrances upon the land referred to; and the accounts thus audited and allowed shall be transmitted to the governor, and if approved by the governor and council, shall be paid out of the treasury of the Commonwealth, to an amount not exceeding fifteen thousand dollars.

Commissioners, with attorney-general, may allow claims for land and construction prior to April, '60, and relieve incumbrances.

Accounts, if approved by governor and council, to be paid.

SECTION 2. Said commissioners, with the aid and advice of the attorney-general, are further authorized and directed to inquire into the existing title to the shaft at the west end of the Hoosac Tunnel, and the land upon which said shaft is located, the cost of said shaft and land, up to the time the Commonwealth took possession thereof, and the present value of the same to the Commonwealth, and to report the result of their investigation to the governor and council, to be communicated to the next legislature.

Commissioners to report upon shaft and land at tunnel.

SECTION 3. This act shall take effect upon its passage.

Approved May 9, 1865.

[1865, 211; 1866, 293; 1867, 253, 304; 1868, 51, 333, 350.]

[1848, 307; 1849, 108; 1850, 312; 1852, 40, 146, 155, 297; 1854, 226; 1855, 304; 1856, 237; 1859, 70, 117; 1860, 184, 202; 1861, 65; 1862, 156; 1863, 214; 1865, 210.]

Chap. 211 AN ACT in further addition to an Act providing for the more speedy Completion of the Troy and Greenfield Railroad and Hoosac Tunnel.

Be it enacted, &c., as follows :

Appropriation for completion, and interest upon scrip.

SECTION 1. For the further prosecution and completion of the Troy and Greenfield Railroad and Hoosac Tunnel, and the payment of interest upon such scrip as has been or may be issued during the progress of the work, there is hereby appropriated the sum of eight hundred thousand dollars, in addition to the amount provided in chapter two hundred and fourteen of the acts of the year eighteen hundred and sixty-three; such sum, for the purposes aforesaid, to be raised in the manner provided in said chapter.

Commissioners may build road east of tunnel.

SECTION 2. The commissioners are hereby authorized to proceed with the construction and completion of that part of the Troy and Greenfield Railroad lying east of the Hoosac Tunnel, at such time and in such manner as in their judgment will best serve the interest of the Commonwealth.

Approved May 9, 1865.

[1866, 293; 1867, 253, 304; 1868, 51, 333, 350.]

[1856, 176.]

Chap. 212 AN ACT relating to the taking of Menhaden in the Waters of Buzzard's Bay and Vineyard Sound.

Be it enacted, &c., as follows :

Any person may lawfully take with purse seine.

From and after the passage of this act it shall be lawful for any person to take menhaden by the use of the purse seine, so called, in the waters of Buzzard's Bay or of Vineyard Sound, or the waters of any bays, inlets or rivers bordering on or flowing into the same: *provided*, that no authority shall be hereby given to use any such seine at the mouth of any river where there now is or where there may hereafter be a herring fishery established by law, until after the fifteenth day of June in each year; and *provided, further*, that no authority shall be hereby given to use any seine in the waters around Nantucket or the islands belonging thereto.

Proviso.

Approved May 9, 1865.

Chap. 213 AN ACT to incorporate the Boston Wheat and Bread Company.

Be it enacted, &c., as follows :

Corporators.

SECTION 1. Steuben T. Bacon, Sylvanus A. Denio, Theodore H. Seavy, their associates and successors, are hereby made a corporation, by the name of the Boston Wheat and Bread Company, for the purpose of manufacturing machinery and tools for making bread, and also for milling grain and making bread in the city of Boston, or elsewhere in this

Name and purpose.

Commonwealth ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Powers and duties.

SECTION 2. Said corporation may hold such real and personal estate as may be necessary for the purposes aforesaid : *provided*, that the whole capital stock thereof shall not exceed two hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each ; and *provided, further*, that it shall not go into operation until seventy-five thousand dollars of its capital stock has been paid in.

Real and personal estate.

Capital stock and shares.

Proviso.

SECTION 3. Said corporation may at any time increase its capital stock by adding thereto an amount not exceeding two hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each, whenever a majority in interest of its stockholders, at a meeting called for that purpose, shall so determine.

May increase capital.

Shares.

SECTION 4. This act shall take effect upon its passage.

Approved May 9, 1865.

AN ACT to incorporate the Worcester County Free Institute of Industrial Science. *Chap. 214*

Be it enacted, &c., as follows:

SECTION 1. George F. Hoar, Seth Sweetser, their associates and successors, are hereby made a body corporate, by the name of the Worcester County Free Institute of Industrial Science, for the purpose of establishing and maintaining in the city of Worcester, an institution to aid in the advancement, development and practical application of science, in connection with arts, agriculture, manufactures, mercantile business and such other kindred branches of practical education as said corporation shall determine ; with all the powers and privileges, and subject to all the duties and liabilities set forth in all laws which now are or may hereafter be in force, and applicable to such corporations. The mayor of the city of Worcester, for the time being, shall, *ex officio*, be a member of said corporation, and one member shall be appointed by the board of education, from time to time, as a vacancy may occur ; and said corporation shall not consist of more than twelve members at any one time.

Corporators.

Name and purpose.

Location.

Powers and duties.

Mayor of city to be member *ex officio*.

Appointment, and limitation of number of members.

SECTION 2. Said corporation shall have authority to accept and hold in fee simple, or any less estate, any real or personal estate to an amount not exceeding four hundred and fifty thousand dollars, to be devoted exclusively to the purposes aforesaid, and in conformity with conditions made by any donor, not inconsistent with this act, expressed by

May hold estate of \$450,000, for corporate purposes.

him in writing, and recorded in the records of said institution.

May establish scientific departments and receive for them special grants.

Proviso.

SECTION 3. Said corporation may establish separate departments of scientific instruction and pursuit whenever it can be done without interfering with the unity of purpose of said institution or the government and management of the same, may designate and distinguish such departments by specific names, and accept any moneys for the special advancement of said departments: *provided*, that no moneys shall be applied to any uses or purposes not embraced within the general design of said institution as expressed in this act.

Approved May 9, 1865.

Chap. 215

AN ACT to incorporate the South of Europe Steamship Company.
Be it enacted, &c., as follows:

Corporators.

SECTION 1. Alfred C. Hersey, Oliver Brewster and E. Hasket Derby, their associates and successors, are hereby made a corporation by the name of the South of Europe Steamship Company, with all the powers and privileges and subject to all the duties, liabilities and restrictions set forth in all general laws of this Commonwealth which now are or hereafter may be in force relating to such corporations.

Name.
Powers and duties.

May build or charter vessels and use between certain ports.

SECTION 2. Said corporation is hereby empowered to build, charter, hold and convey one or more steamships and steam propellers, and to employ the same in transporting passengers and freight between the city of Boston and any port or ports of the Mediterranean Sea, or of the Azores Islands.

Capital stock and shares.

SECTION 3. The capital stock of said corporation shall not exceed six hundred thousand dollars, and shall be divided into shares of the par value of one hundred dollars each. Said corporation shall have power to fix its capital within said amount and from time to time increase the same so as not to exceed such limits, and shall have power to assess from time to time upon such shares, such sums as may be deemed necessary to accomplish its object, not exceeding the par value of such shares. No certificates of stock shall be issued until the par value thereof shall have actually been paid in, and no steamship or propeller shall be run until at least fifty thousand dollars of its capital shall have been subscribed.

Condition of issue of stock.

Real estate, \$100,000.

SECTION 4. Said corporation may hold real estate to an amount not exceeding one hundred thousand dollars.

Conditions of validity of Act.

SECTION 5. If said corporation shall not, within one year from the passage hereof, have been organized, and have collected by assessment an amount equal to fifty thousand

dollars of its capital stock subscribed, and shall not within two years from the passage of this act have one or more steamships or steam propellers employed between said city of Boston and said port or ports, or if said corporation shall thereafter fail, for the period of one year, so to employ one or more steamships or steam propellers in said business, then this act shall be null and void.

Approved May 9, 1865.

[1868, 104, 384.]

[1823, 32.]

AN ACT relating to the Trustees of the Haverhill Congregational Ministerial Fund. *Chap. 216*

Be it enacted, &c., as follows:

SECTION 1. The Trustees of the Haverhill Congregational Ministerial Fund may invest all the money belonging to said fund, in the manner in which savings banks in this Commonwealth may now or hereafter invest their funds. May invest in manner as savings bank.

SECTION 2. So much of the thirty-second chapter of the acts of the year eighteen hundred and twenty-three as is inconsistent with this act, is hereby repealed. Repeal.

SECTION 3. This act shall take effect upon its passage.

Approved May 9, 1865.

[1866, 269.]

AN ACT to incorporate the American Safety Steam-Engine Company. *Chap. 217*

Be it enacted, &c., as follows:

SECTION 1. Daniel Harwood, George O. Carpenter, Charles F. Thayer, their associates and successors, are hereby made a corporation, by the name of the American Safety Steam-Engine Company, for the purpose of manufacturing steam-engines, generators, boilers and other machinery, and holding and owning patents therefor and dealing therewith; with all the powers and privileges, and subject to all the duties, restrictions and liabilities set forth in all general laws which are now or may hereafter be in force relating to manufacturing corporations. Corporators. Name and purpose. Powers and duties.

SECTION 2. The said corporation shall have its place of business in the city of Boston, and may establish manufactories in any town in the Commonwealth; and for this purpose may hold real estate to an amount not exceeding two hundred thousand dollars. The whole capital stock of said corporation shall not exceed five hundred thousand dollars, and shall be divided into shares of one hundred dollars each. Location. Real estate. Capital stock and shares.

SECTION 3. This act shall take effect upon its passage.

Approved May 9, 1865.

Chap. 218 AN ACT to incorporate the New England Consolidated Coal Company.
Be it enacted, &c., as follows :

Corporators. SECTION 1. George A. Shaw, John B. Taft, Matthew Bartlett, their associates and successors are hereby made a corporation, by the name of the New England Consolidated Coal Company, for the purpose of mining, transporting and dealing in anthracite coal; and for that purpose shall have all the powers and privileges, and be subject to all the duties, restrictions and liabilities set forth in all general laws which now are or may hereafter be in force relating to such corporations.

Name and purpose.

Powers and duties.

Capital stock and shares. SECTION 2. The capital stock of said corporation shall not exceed one million dollars, and shall be divided into shares of one hundred dollars each: *provided, however,* that said corporation shall not go into operation until the sum of two hundred thousand dollars of the capital stock has been paid in.

Proviso. Said corporation may hold such real and personal estate as may be necessary or convenient for the purposes set forth in this act.

Real and personal estate.

SECTION 3. This act shall take effect upon its passage.

Approved May 9, 1865.

[Special Laws, vol. 1, pp. 238, 512; vol. 3, p. 98. 1815, 54; 1820, 67; 1861, 157; 1864, 234.]

Chap. 219 AN ACT for the Protection of Alewives and other Fish in Mystic River.
Be it enacted, &c., as follows :

Taking prohibited within certain time and limits. SECTION 1. No fish shall be taken within fifty rods of any fishway now existing or hereafter to be constructed over or at any dam in the towns of Medford, West Cambridge and Winchester, between the first day of April and the fifteenth day of June.

Penalty for violation. SECTION 2. Any person violating the provisions of this act shall be liable to a penalty of fifty cents for each and every fish so taken.

Prosecutions. SECTION 3. All prosecutions under this act shall be commenced within thirty days from the time of the commission of the offence.

SECTION 4. This act shall take effect upon its passage.

Approved May 10, 1865.

[1867, 149; 1868, 128.]

[1861, 183; 1862, 142; 1863, 186, 226.]

Chap. 220 AN ACT in addition to an Act to incorporate the Massachusetts Institute of Technology.

Be it enacted, &c., as follows :

May hold estate with income of \$30,000 per annum for corporate purposes. SECTION 1. The Massachusetts Institute of Technology is hereby authorized to hold real and personal estate to an amount of which the clear annual income shall be thirty

thousand dollars, to be devoted exclusively to the purposes and objects set forth in its act of incorporation and all acts in addition thereto.

SECTION 2. This act shall take effect upon its passage.

Approved May 10, 1865.

[1868, 247.]

[1852, 26.]

AN ACT in addition to an Act to incorporate the Temporary Home for the Destitute. Chap. 221

Be it enacted, &c., as follows :

SECTION 1. The Temporary Home for the Destitute may hold real and personal estate for the purposes for which it was established, to an amount not exceeding thirty thousand dollars. Real and personal estate.

SECTION 2. This act shall take effect upon its passage.

Approved May 10, 1865.

[1865, 276; 1868, 221.]

[1842, 84; 1845, 218; 1846, 21; 1847, 200, 260; 1849, 18, 223; 1850, 122, 146; 1851, 34, 72, 244, 329; 1852, 147, 162, 194, 306; 1853, 270, 353, 367; 1855, 94, 230, 240, 259, 266, 419; 1856, 138, 296; 1857, 124, 128.]

AN ACT concerning the Fitchburg Railroad Company.

Chap. 222

Be it enacted, &c., as follows :

SECTION 1. The Fitchburg Railroad Company is hereby authorized to extend its wharf at Charlestown, near Warren Bridge, on piles, over any portion or the whole of an area included within the present wharf and bridge of said company and a line drawn as follows, to wit: beginning at the westerly end of the southerly side of said company's wharf at the first angular point therein, distant one hundred and thirty feet from Warren Bridge, and thence running north-westerly, in a direct line, to the easterly side of said company's railroad wharf and bridge, over Charles River to a point one hundred and fifty-nine feet distant northerly, measured on the line of said railroad bridge and wharf, from the middle of the northerly coal shoot on said railroad bridge and wharf. The harbor commissioners may prescribe the method of building said extension. May extend wharf in Charlestown, on piles.
Line defined.
Harbor commissioners may direct.

SECTION 2. This act shall take effect upon its passage.

Approved May 10, 1865.

[1866, 244, 278; 1867, 31, 170, 235, 335, 342; 1868, 96, 237.]

[1855, 44.]

AN ACT in addition to an Act relating to the Cambridge Cemetery.

Chap. 225

Be it enacted, &c., as follows :

The fourth section of the forty-fourth chapter of the acts of the year eighteen hundred and fifty-five is hereby amended by substituting December for January in the second line thereof. Amendment.

Approved May 12, 1865.

Chap. 226

AN ACT to incorporate the Adams Sugar Refinery.

*Be it enacted, &c., as follows :***Corporators.****Name and purpose.****Powers and duties.****Capital stock and shares.****Real estate.****Payment of capital stock.**

SECTION 1. Seth Adams, Isaac Adams, George H. Everson, their associates and successors, are hereby made a corporation by the name of the Adams Sugar Refinery, for the purpose of refining sugar in the city of Boston ; with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relative to such corporations.

SECTION 2. The capital stock of said corporation shall not exceed seven hundred thousand dollars, which shall be divided into shares of one hundred dollars each ; and said corporation may hold for the purpose aforesaid real estate to an amount not exceeding four hundred and fifty thousand dollars, and shall not commence business until two hundred thousand dollars of its capital stock shall have been paid in.

SECTION 3. This act shall take effect upon its passage.

Approved May 12, 1865.

[1865, 73.]

Chap. 227

AN ACT to amend an Act incorporating the New England Steam Packet Company.

*Be it enacted, &c., as follows :***May transport between Boston, Saco and Biddeford.**

The New England Steam Packet Company are hereby authorized and empowered to run any of their steamships or steam propellers to the ports of Sacco and Biddeford in the state of Maine, and to employ the same in transporting passengers and freight between the port of Boston, and the said ports of Saco and Biddeford.

*Approved May 12, 1865.***Chap. 229**

AN ACT to change the Name of the Third Baptist Society in Haverhill.

*Be it enacted, &c., as follows :***Name changed.**

The Third Baptist Society in Haverhill shall hereafter be called and known by the name of the Portland Street Baptist Society.

Approved May 13, 1865.

[1864, 47.]

Chap. 232

AN ACT relating to State Aid.

*Be it enacted, &c., as follows :***Town may raise and apply money for dependents of U. S. soldiers and sailors.**

SECTION 1. Any town or city may raise money by taxation or otherwise, and, if necessary, apply the same, under the direction of their selectmen, or mayor and aldermen, or city council, for the aid of the wife, children or step-children, parents, brothers or sisters of any person upon whom they were dependent, whether an inhabitant of said town or city or not, (*provided* only that those to whom aid is given shall reside within the United States,) who, as a part of the quota of this Commonwealth, and of said town or city, either,

First. Has been duly enlisted and mustered into the volunteer service of the United States, or into the regular military service, since the third day of September, in the year eighteen hundred and sixty-two, and remains actually in said military service; or,

Conditions: of
volunteer mus-
tered since Sept.
8, '62.

Second. Has been drafted into the army of the United States under any act of Congress, and remains actually in said military service; or,

Drafted under
U. S. law.

Third. Has been duly enlisted into the naval service of the United States, or transferred to such service from the military service: *provided*, that he is credited to such town or city under the enrolment laws of the United States; or,

In navy, credited
to town under U.
S. laws.

Fourth. Who may have died after being duly mustered into the military or naval service of the United States upon voluntary enlistment or draft, or upon transfer from the military to the naval service, first, while in the service of the United States, or second, after his discharge therefrom by reason of disability or disease contracted while in the service, or third, after his discharge at the expiration of his term of service, but in consequence of disease or injury contracted or received in the service and existing at the time of his discharge: *provided*, that no sum shall be so applied for a period of more than one year, or after the payment to the family and dependents of such person, or either of them, of any sums under the pension act of the United States passed July fourteenth, in the year eighteen hundred and sixty-two; and *provided, further*, that they were entitled to such aid prior to his decease or discharge.

Having died after
muster into army
or navy.

Proviso.

Fifth. Who may have been disabled while in the service of the United States, as aforesaid, and discharged from said service by reason of such disability, or by reason of the expiration of his term of service: *provided*, that said disability was contracted in or caused by said service, and existed at the time of discharge, thereby rendering said person unable to provide for those dependent upon him; and, *provided, also*, that no sums shall be so applied for a period of more than one year, or after the payment to the family and dependents of such person, or either of them, of any sums under the pension act of the United States, passed July fourteenth, in the year eighteen hundred and sixty-two; and *provided, further*, that they were entitled to such aid prior to his discharge.

Discharged for
disability.

Proviso.

SECTION 2. The foregoing provisions relating to state aid shall apply equally to those persons who enlisted as a part of the quota of any other state prior to the eighteenth day of March, in the year eighteen hundred and sixty-two, if, at the

Foregoing to ap-
ply to citizens of
Mass. enlisted in
other States, and
those transferred
from R. I. by
boundary.

time of enlistment, they were inhabitants of any town or city in this Commonwealth, and to those also who, although not inhabitants of this Commonwealth at the time of their enlistment and muster into the military or naval service of the United States, have become such by the establishment of the boundary line between this Commonwealth and the state of Rhode Island.

State to re-im-
burse town, not
exceeding \$12 per
month for depen-
dence of person.

Proviso.

SECTION 3. Of the sums applied, as aforesaid, there shall be annually re-imbursed from the treasury of the Commonwealth to the town or city so applying the same, a sum not exceeding one dollar per week for the wife, and one dollar per week for each child and parent to whom aid is furnished: *provided*, that the whole sum so re-imbursed shall not exceed twelve dollars per month for all such persons dependent upon any individual at the time he was or shall be duly enlisted and mustered or drafted into the military or naval service of the United States; including herein the wife of any such individual married, and any child of such individual born, after such enlisting and mustering or drafting; and *provided, also*, that no such re-imbusement shall be made of money applied for the aid of any wife, child or parent aforesaid, of any commissioned officer in said volunteer service, nor for the aid of any person dependent upon any volunteer from this Commonwealth, enlisted into regiments of any other state, who receive aid from such other state.

Annual report of
town to be made
on fifth Jan. to
auditor of Com-
monwealth.

To be sworn to by
officers making,
and approved by
auditor.

Laws may be con-
strued retroac-
tively for aid six
months.

SECTION 4. On or before the fifth day of January in each year, there shall be deposited in the office of the auditor of the Commonwealth, by each town and city raising and applying money, as aforesaid, a full and particular report, setting forth the names of the soldiers and sailors, for the aid of whose families money has been applied as aforesaid, the names and ages of the several persons for the aid of whom money has been applied as aforesaid, the relation such persons severally bear to such soldiers or sailors, the sums paid to each of such persons, and the time when the same were paid. And no re-imbusement shall be made from the treasury of the Commonwealth to such town or city, as herein before provided, until such report has been sworn to by a majority of the selectmen of such town, or the mayor and a majority of the aldermen of such city, deposited as aforesaid, and carefully examined, scrutinized and approved by said auditor.

SECTION 5. All the laws now in force in aid of the families of volunteers and drafted men, may be so construed as to authorize the payment of aid retroactively, so as to include any aid to which any person might have been entitled if seasonably applied for, prior to the application for the same:

provided, however, that such retroactive payment shall not extend beyond the period of six months prior to said application. Proviso.

SECTION 6. Chapter two hundred and twenty-two of the acts of the year eighteen hundred and sixty-one; chapter sixty-six, chapter one hundred and fifty-one, and chapter one hundred and sixty-six, of the acts of the year eighteen hundred and sixty-two; chapter seventy-nine, and chapter one hundred and seventy-six, of the acts of the year eighteen hundred and sixty-three; sections one and two of chapter one hundred and forty-three, and chapter forty-seven, of the acts of the year eighteen hundred and sixty-four, are hereby repealed: *provided*, that this act shall affect no acts or doings of any city or town which have been legalized by any provisions of the foregoing chapters. Repeal. Proviso.

SECTION 7. This act shall take effect upon its passage.

Approved May 13, 1865.

[1865, 235, 251; 1866, 172, 282; 1867, 136; 1868, 107, 115.]

AN ACT to confirm certain Acts done by Joseph Russell Bradford as a Justice of the Peace. Chap. 233

Be it enacted, &c., as follows:

SECTION 1. All acts done by Joseph Russell Bradford, of Boston, esquire, as a justice of the peace within and for the county of Suffolk, between the thirtieth day of October in the year eighteen hundred and sixty-two and the third day of May in the year eighteen hundred and sixty-five, are hereby made valid and confirmed to the same extent as they would have been valid had he been during the interval duly qualified to discharge the duties of the said office. Acts done as justice of the peace confirmed.

SECTION 2. This act shall take effect upon its passage.

Approved May 13, 1865.

[1854, 451; 1856, 282, 1859, 186; 1864, 257.]

AN ACT relating to Warren Bridge and Charles River Bridge.

Chap. 237

Be it enacted, &c., as follows:

SECTION 1. Whenever this act shall be accepted by the city council of the city of Boston, and by the inhabitants of Charlestown, as hereinafter provided, Warren Bridge and Charles River Bridge shall become highways, and such portions of them as are within the limits of each of said cities, shall be maintained as such by Boston and Charlestown, respectively, and all property in and appertaining to said bridges, or either of them, now held by the Commonwealth, shall become the property of said cities, as hereinafter provided; and said cities shall, within their respective limits, have authority to maintain said bridges, and the piers and Upon acceptance of Act by Boston and Charlestown, bridges to become highways; cities to maintain and receive income.

other structures appertaining thereto, and they shall receive all the rents and income which may be derived from the use of such structures, to be apportioned between them, as hereafter provided.

Draws to be preserved and tended.

SECTION 2. Each of said cities shall maintain, in good repair, the draw of one of the bridges, and shall open the same and afford all necessary and proper accommodations to vessels having occasion to pass the same by day or by night.

Certificates of acceptance of Act to secretary of Commonwealth to authorize transfer to cities.

SECTION 3. Whenever said cities shall have accepted this act, as herein provided, and shall have severally filed a notice of their acceptance with the secretary of the Commonwealth, all moneys, funds, properties and other things belonging to the Charles River and Warren bridges, or either of them, and held by the treasurer and receiver-general, or by any other agent of the Commonwealth, shall, after payment therefrom of all liabilities then outstanding on account of said bridges, be paid over and delivered to said cities, in such proportions to each as may be determined pursuant to this act.

Railway corporations to pay cities for use of bridges as may be agreed, or awarded by commissioners appointed by S. J. Court.

SECTION 4. The Middlesex Railroad Company, and any other corporation which may have authority to run street railway cars or other vehicles for the business of carrying passengers over said bridges, or either of them, shall pay to said cities, as a consideration for being released from all liability to pay tolls for passing said bridges, or either of them, with their tracks and cars or other vehicles, and from all liability to any other payment for maintaining said bridges, or for the use of them by said corporation, such sums as may be agreed upon by the parties, or, in case of failure to agree, such sums as may be determined by three commissioners, to be appointed by the supreme judicial court upon application of either of said cities or corporations, and notice to the other parties, and the award of said commissioners, or a major part of them, being returned to and approved by the court, shall be binding upon the parties, unless said award shall be an annual payment, in which case the same may be revised or altered by commissioners in like manner appointed; but no such revision or alteration shall be made within ten years of the acceptance of such award.

Revision of award.

City councils may agree upon division of income, or on failure may have commissioners.

SECTION 5. Said cities may by their city councils agree which of said draws they shall respectively maintain and manage, and in what proportion the moneys, funds, properties, rents and income, and also the sums paid by the Middlesex Railroad Company or other corporation as aforesaid, shall be divided between them, and in case of their failure to

agree, all the said matters shall be determined by three commissioners to be appointed by the supreme judicial court upon the petition of either party, and notice to the other, and the award of said commissioners, or a major part of them being returned to and approved by the court shall be binding upon the parties.

SECTION 6. Nothing in this act shall release the city of Boston from its obligation to keep in repair all that part of Warren Bridge connected with its water works, nor from its liability for any damage arising from any defect in, or accident to said works, nor shall release the Middlesex Railroad Company from any legal obligation now existing to maintain and keep in repair any portion of said bridges, nor from any liability for loss or injury that any person may sustain by reason of any carelessness, neglect or misconduct of its agents or servants in the management, construction or use of its tracks on said bridges.

Boston not to be relieved from duties at Warren Bridge pertaining to water works, nor Middlesex R. Co. from its obligations.

SECTION 7. The compensation of commissioners under the provisions of this act shall be determined by the court which appoints them, and shall be paid by such party or parties in such proportions as the commissioners may determine.

Compensation of commissioners.

SECTION 8. The foregoing sections of this act shall take effect whenever accepted by the city council of Boston, and by vote of the inhabitants of Charlestown qualified to vote in city affairs; and the mayor and aldermen of the city of Charlestown are hereby authorized, from time to time, to call legal meetings to be held in the several wards of said city, to determine, by voting yea or nay, upon the acceptance of this act.

Act to be accepted by council of Boston and voters of Charlestown.

Approved May 13, 1865.

[1867, 66; 1868, 322.]

AN ACT to incorporate the North Weymouth Cemetery Association.

Chap. 238

Be it enacted, &c., as follows:

SECTION 1. Francis E. Loud, Thomas H. Humphrey, Elnathan Bates, their associates and successors, are hereby made a corporation by the name of the North Weymouth Cemetery Association, for the purpose of holding, managing and perpetuating a place for the burial of the dead in the town of Weymouth; with all the powers and privileges, and subject to all the duties, restrictions and liabilities, as provided in chapter twenty-eight of the General Statutes.

Corporators.

Name and purpose.

Powers and duties.

SECTION 2. The North Parish in Weymouth is hereby authorized, whenever said corporation shall be duly organized, to release and convey to said corporation by a deed executed by the treasurer of said parish, the whole of the

North parish may convey estate to corporation.

real estate and rights of property now held and set apart by said parish as a burial ground of the dead.

SECTION 3. This act shall take effect upon its passage.

Approved May 13, 1865.

[1863, 220; 1864, 223; 1865, 195.]

Chap. 240

AN ACT concerning the Massachusetts Agricultural College.

Be it enacted, &c., as follows :

\$10,000 granted.

The sum of ten thousand dollars is hereby granted to the Massachusetts Agricultural College, to aid in its establishment.

Approved May 15, 1865.

Chap. 248

AN ACT to aid the Construction of the European and North American Railway.

Be it enacted, &c., as follows :

Upon payment of bonds and interest by Maine, treasurer to give same to Maine or the European and North American Railway Co.

SECTION 1. Whenever the amount remaining unpaid and the interest thereon of the bonds of the state of Maine, given in payment for the public lands in Maine, sold by the Commonwealth of Massachusetts in the year eighteen hundred and fifty-three, shall be paid into the treasury of the Commonwealth, the treasurer and receiver-general shall, under the direction of the governor and council, surrender said bonds to the state of Maine, or assign them to the European and North American Railway Company, as the governor and council may determine.

Assignment to Maine, in trust for company, of joint claims upon U. S.

SECTION 2. The Commonwealth of Massachusetts hereby assigns to the state of Maine, in trust for said company, to aid in the construction of the railroad of said company between Bangor and New Brunswick, the claims held jointly with said state of Maine against the United States.

SECTION 3. This act shall take effect upon its passage.

Approved May 16, 1865.

[1865, 232.]

Chap. 251

AN ACT in addition to an Act entitled "An Act relating to State Aid."

Be it enacted, &c., as follows :

Dependents of person voluntarily in U. S. service not entitled.

SECTION 1. No state aid shall be allowed to the parents, wife, children, brothers or sisters, of any person who shall hereafter enlist or re-enlist into the military or naval service of the United States, or shall voluntarily remain therein after an opportunity is given by the government of the United States to be honorably discharged therefrom.

Regiments in service to have copy of Act.

SECTION 2. The secretary of the Commonwealth shall cause attested copies of this act to be immediately forwarded to the commanding officers of Massachusetts regiments and batteries now in the service.

SECTION 3. This act shall take effect upon its passage.

Approved May 16, 1865.

[1866, 172, 282; 1867, 136; 1868, 107, 115.]

[1865, 178.]

AN ACT concerning the Records of the Town of Melrose.

Chap. 260

Be it enacted, &c., as follows :

SECTION 1. Edward R. Knights, lately clerk of the town of Melrose, is authorized and empowered to make a complete and perfect record of the annual meeting of the inhabitants of said town, held on the twenty-seventh day of March, in the year eighteen hundred and sixty-five, and to enter and certify the same on the records of said town; and such record and all copies thereof certified by said Knights, shall have the same force and effect as if duly made by him while town clerk.

Late clerk may make record of meeting held March, 1865.

Record and copies made valid.

SECTION 2. This act shall take effect upon its passage.

Approved May 16, 1865.

[1866, 140.]

AN ACT to change the Name of the Ladies' Charitable Association in Haverhill.

Chap. 264

Be it enacted, &c., as follows :

The Ladies' Charitable Association in Haverhill shall hereafter be called and known as the Old Ladies' Home Association.

Name changed.

Approved May 16, 1865.

AN ACT to establish the Cushing Academy in the Town of Ashburnham.

Chap. 265

Whereas, Thomas P. Cushing, late of the city of Boston, merchant, deceased, in and by his last will and testament, bearing date the thirtieth day of July, in the year eighteen hundred and fifty, and proved and allowed at the probate court holden at Boston, within and for the county of Suffolk, on the twenty-sixth day of December, in the year eighteen hundred and fifty-four, declaring his opinion that "the stability of our laws and the safety of our government, the right direction of our republican institutions, the preservation of virtue and good morals, in short, the well-being and happiness of society depend in a great degree upon the general diffusion of practical and useful knowledge among the people;" and that he was "particularly desirous of using a portion of the estate with which God had blessed him for the promotion of so important an object as that of improving the education and thus of strengthening and enlarging the minds of the rising and of future generations;" and hoping that others having similar views and opinions would hereafter co-operate with him towards effecting the same great and desirable end, did devise and bequeath unto his executors named in said will, and to their successors forever, certain large and valuable real and personal estates in trust, for the foundation and endowment of two schools or semi-

Preamble: will of Thomas P. Cushing.

Bequest.

Purpose.

Trustees, after 10 years, to apply for incorporation.

naries of learning in his native town of Ashburnham, in the manner set forth in said will; and did therein provide that upon the expiration of the term of ten years limited in said will for the increase and accumulation of the trust funds, the trustees should apply for an act of incorporation or charter under which all the business and affairs of the schools thus founded might be conducted forever; and the said trustees have applied for a corresponding act of incorporation; therefore—

Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:

Academy established.

Trustees appointed and incorporated.

Corporate name.

Powers and duties.

May hold estate bequeathed or thereafter received.

Proviso: Limitation.

Estate to be used as set forth in will.

SECTION 1. There is hereby established in the town of Ashburnham an institution of learning by the name of the Cushing Academy, for the purposes set forth in the said will of the said Thomas P. Cushing. Francis Wayland, of Providence, in the state of Rhode Island, Alexander H. Bullock, of Worcester, Josiah D. Crosby, Asa Rand, Ohio Whitney, junior, Jerome W. Foster and George C. Winchester, of Ashburnham, Abraham T. Lowe, of Boston, Ebenezer Torrey, Alvah Crocker and Amasa Norcross, of Fitchburg, A. P. Marvin and Isaac M. Murdock, of Winchendon, in the state of Massachusetts, are hereby appointed trustees of the said academy; and they are hereby incorporated into a body politic by the name of the Trustees of the Cushing Academy, and they and their successors shall be and continue a body politic and corporate by the same name forever; with all the powers and privileges requisite for carrying into full effect the provisions of said will, and with all the powers, rights and privileges, and subject to all the duties, restrictions and liabilities set forth in the sixty-eighth chapter of the General Statutes and other acts in addition thereto, and in this act, not inconsistent with the provisions of said will.

SECTION 2. The said trustees may take and hold, all and singular, the estates, real and personal, devised and bequeathed by the said Thomas P. Cushing in his said will, to the trustees therein named, for the purposes aforesaid, and may take and hold any other and further estates, real or personal, which may be acquired by them by gift, devise or purchase, or otherwise, for the same purposes: *provided, however,* that the actual value of the real and personal estates, by them so held or possessed, shall not at any one time exceed the amount of three hundred thousand dollars. All of which estates shall be devoted and appropriated exclusively for the purposes of education in the manner and to the ends set forth in said will.

SECTION 3. It shall be the duty of the trustees carefully to invest or to hold invested, the trust funds derived under the said will in real estates within this Commonwealth, or in the notes, bonds or securities of the United States, or of the Commonwealth of Massachusetts, or of cities or towns within this Commonwealth, or notes or bonds amply secured by mortgages of real estates, or other equally safe collateral securities, and to apply the income thereof, but no portion of the principal, to the purposes prescribed in said will; and to hold, use and apply all other estates, real or personal, and the income thereof which they may receive, to the same purposes in such manner as the respective donors or grantors thereof shall direct; and in default of such direction, in such manner as the said trustees shall, in the exercise of a sound discretion, think expedient.

Trust funds devised, how to be invested.

Income.

Other estates and income to be used under donors' terms, if any; if none, by trustees.

SECTION 4. The trustees shall appoint a treasurer, and shall require of him a bond with satisfactory sureties in the penal sum of not less than twenty-five thousand dollars for the faithful discharge of his duties. And his books of account and vouchers shall be at all times open for the inspection of the said trustees or of any one of them.

Treasurer, trustees to appoint and require bond.

Accounts and vouchers open to trustees.

SECTION 5. The trustees shall appoint a clerk, whose duty it shall be to keep a full and fair record of the proceedings of the board, and to discharge such other duties as they shall from time to time prescribe.

Clerk, appointment and duties.

SECTION 6. The trustees shall have full power to elect such other officers as they may from time to time think necessary or expedient, and to determine and appoint the tenures of their offices, and of those of the treasurer and clerk; to remove any trustee who shall be incapable through age, infirmity or otherwise, for the discharge of the duties of his office, or who by unreasonable absence from the meetings of the trustees shall fail to discharge the duties of his office; to fill all vacancies that shall occur in the board of trustees by death, resignation, removal or incompetency; and generally to do all acts and things necessary or expedient to be done for the purpose of carrying into full effect the provisions of the said will and the purposes of this act.

Trustees may establish tenures, and create offices.

May remove trustees.

May fill vacancies.

General powers.

SECTION 7. The number of trustees shall be thirteen, five of whom shall be a quorum for the transaction of business except in the election or removal of trustees, when eight members present and voting shall be necessary; and the said Amasa Norcross is hereby authorized and empowered to prescribe the time and place for the holding of the first meeting of the said trustees and to notify them thereof.

Number of trustees: quorum.

First meeting.

Approved May 16, 1865.

neither of whom shall be permitted to hire money of the company.

Treasurer to give bonds.

SECTION 16. The treasurer, before he enters upon the duties of his office, shall give a bond or bonds, with two or more sureties, to the satisfaction of the directors, conditioned for the faithful performance of the duties of his office; and in no case shall bonds be taken for a less sum than twenty thousand dollars.

Special meetings, how called.

SECTION 17. He shall, on the application in writing of the proprietors of one-fifth part of the capital stock, call special meetings of the stockholders.

General provisions of law applicable.

SECTION 18. The seventy-third, seventy-fourth, seventy-fifth, seventy-sixth, seventy-seventh, seventy-eighth, eighty-first, one hundred and second, one hundred and third, one hundred and fourth and one hundred and forty-eighth sections of the fifty-seventh chapter of the General Statutes shall apply to and be in force against this company, in the same manner and to the same extent as they apply and are in force against banks and savings banks respectively.

Same subject.

SECTION 19. This company shall be subject to the provisions of the sixty-eighth chapter of the General Statutes, and such general laws as are applicable to the same.

SECTION 20. This act shall take effect upon its passage.

Approved May 16, 1865.

[1867, 151.]

Chap. 273

AN ACT to incorporate the Bay State Silver Mining Company.

Be it enacted, &c., as follows:

Corporators.

SECTION 1. William S. Rosecrans, Thomas W. Pierce, J. Frederick Marsh, their associates and successors are hereby made a corporation by the name of the Bay State Silver Mining Company, with all the powers and privileges, and subject to all the duties, liabilities and restrictions set forth in all general laws which now are or hereafter may be in force relating to such corporations.

Purpose.

SECTION 2. The purposes for which said corporation is established and formed are the procuring, holding and mining of mineral property in the state of Nevada, and its place of business shall be in the city of Boston.

Capital stock and shares.

SECTION 3. The capital stock of said corporation shall be five hundred thousand dollars, to be divided into shares of one hundred dollars each. Said corporation shall not go into operation until the sum of two hundred thousand dollars has been paid in.

When to go into operation.

Stockholders may increase capital.

SECTION 4. Said corporation may increase its capital stock, by adding thereto an amount not exceeding five hundred thousand dollars, whenever two-thirds in interest of the

stockholders, at a meeting called for that purpose, shall by ballot so determine.

SECTION 5. This act shall take effect upon its passage.

Approved May 16, 1865.

[1862, 62; 1863, 254; 1865, 151.]

AN ACT concerning the Assignment and Distribution of the Monthly Compensation of Volunteers. *Chap. 274*

Be it enacted, &c., as follows :

Any volunteer in the military service of the United States entitled to monthly compensation, as provided by the third section of the two hundred and fifty-fourth chapter of the acts of the year eighteen hundred and sixty-three, may assign the same, or any part thereof, for the use of any person in this Commonwealth, to any officer appointed pursuant to the fifth section of said act, who shall receive and distribute the money thus assigned, in the same manner as by the fourth section of said act the treasurer and receiver-general is required to receive and distribute money assigned to him ; and the treasurer of any city or town, upon receiving notice from such officer of any such assignment of money, shall draw therefor upon and make returns to said officer in the same manner, and perform the same duties in relation thereto, as he is required to do by the sixty-second chapter of the acts of the year eighteen hundred and sixty-two, in case of money assigned to the treasurer and receiver-general ; and money assigned as herein provided shall be received, disbursed, and held by such officer and by any such city or town treasurer, subject to the same provisions of the said chapter as if it had been assigned or remitted to the treasurer and receiver-general.

Volunteer in U. S. service may assign pay to officer appointed under Act of '63, ch. 254, § 3.

Treasurer of town, upon notice, to draw and apply, as under ch. 62, of '62.

Approved May 16, 1865.

[1866, 172, 282; 1867, 136; 1868, 107, 115.]

[1865, 171.]

AN ACT to authorize the Boston, Hartford and Erie Railroad Company to Mortgage its Railroad. *Chap. 275*

Be it enacted, &c., as follows :

The Boston, Hartford and Erie Railroad Company is hereby authorized to secure any bonds it has issued or may issue under authority of its charter, granted by the legislature of the state of Connecticut, in the year eighteen hundred and sixty-three, by mortgage of its railways, property, rights and franchise, or any part thereof, purchased or acquired by contract or arrangement with the Southern Midland Railroad Company, or the New York and Boston Railroad Company,

May give mortgage to secure bonds issued under Conn. charter.

Records to be
made where
property is
situate.
Proviso.

and situate or being, or that it may have situate and being in this Commonwealth, by deed duly made and executed under the provisions of said charter, and securing all bonds previously issued by, and all pre-existing debts of said corporation. Said mortgage shall be recorded in the registry of deeds in the several counties in which said railways, franchises and property mortgaged may be situate: *provided*, that nothing in this act contained shall in any way affect any claim, or any remedies for the enforcement of the same, which any person may have against said corporation or any other railroad corporation, whose rights have been or may be acquired by said Boston, Hartford and Erie Railroad Company, or under any lien upon any real estate, for damage caused to such person by the taking of the land or any part thereof included within the location of said corporations, or any or either of them, or by the laying out, making and maintaining a railroad over the same: *provided*, that if said corporation shall in such mortgage include any part of the franchise and property by them obtained from the New York and Boston Railroad Company, the holders of the bonds or mortgage notes of said last named company shall have the right, on the surrender of their said bonds or notes, at any time within two years from the date of such mortgage, to receive in the bonds to be secured by said mortgage an amount equivalent, having regard to the rate of interest and the time of maturity, to their respective bonds or notes.

Approved May 16, 1865.

[1866, 142, 286, 278; 1867, 75, 83, 170, 284; 1868, 145.]

[1865, 221.]

Chap. 276 AN ACT in addition to an Act to incorporate the Temporary Home for the Destitute.

Be it enacted, &c., as follows :

Directors may
receive children,
and accept sur-
render from par-
ent or guardian.

May bind out in
families.

The board of managers of the Temporary Home for the Destitute shall have authority to receive into their house such children as they may deem suitable objects of charity, and also to accept a surrender in writing by the father, and where there is no father, by the mother, and where there is no father or mother, by the guardian of any child or children, to the care and direction of said corporation; and to bind out in virtuous families, until the age of twenty-one years, any boy or boys thus surrendered, and until the age of eighteen years, any female child or children thus surrendered.

Approved May 16, 1865.

[1868, 221.]

AN ACT to establish the Fort Hill Corporation.

Chap. 278

Be it enacted, &c., as follows:

SECTION 1. For the purpose of improving that part of the city of Boston mentioned and described in section two, and causing the same to be graded and new streets to be laid out and constructed over the same, so as better to promote the public interest, John Foster, Franklin King, Hamilton Willis, their associates and successors, are hereby constituted a body corporate, by the name of the Fort Hill Corporation, with all the powers and privileges, and subject to all the duties and liabilities set forth in all general laws that now are or may hereafter be in force and applicable to such corporations.

Purpose.

Corporators.

Name.

Powers and duties.

SECTION 2. Said corporation shall have power to purchase, hold and possess, in fee simple or otherwise, any part or all the land, with the buildings and other improvements thereon standing, situate in that part of Boston known as Fort Hill, and lying easterly of the estates fronting on Pearl Street, between Broad and Milk Streets, southerly of estates fronting on Milk Street, between Pearl and Batterymarch Streets; southerly and westerly of Batterymarch Street, southerly of the estates fronting on Broad Street, between Batterymarch and Purchase Streets; and westerly and northerly of that part of Broad Street, between said Purchase Street and its intersection with said Pearl Street; and said corporation shall have power to grant, sell and convey, in fee simple or otherwise the said corporate property, or any part thereof, and to lease, mortgage, improve or otherwise manage the same, in such manner as may be deemed most for the interest of said corporation; and said corporation may hold personal property necessary for the excavating and grading of said hill, not to exceed in amount five hundred thousand dollars, and its whole capital stock shall not exceed one million five hundred thousand dollars: *provided*, that if said corporation shall lease or knowingly suffer to be occupied for the space of three months, any building owned by them for the illegal sale of liquors or for other unlawful uses, it shall forfeit one hundred dollars for the first offence, and five hundred dollars for each subsequent offence.

May purchase and hold land known as Fort Hill, in Boston.

Boundaries.

May sell or lease the same or any part, and manage for corporate interest.

May hold personal property.

Capital stock.

Proviso.

SECTION 3. The stock and property of said corporation shall be divided into shares not exceeding fifteen thousand in number, certificates of which shall be issued under the seal of the corporation and signed by the president and treasurer thereof; and said shares may be transferred by an assignment indorsed upon the certificate and recorded by the clerk of said corporation, in a book kept for that purpose.

Shares and manner of issue.

Transfer.

Directors to be chosen annually.

Quorum.

Directors may make assessments.

Neglect to pay by stockholder, to authorize sale of shares.

Delinquent proprietor held for balance of assessment, if any.

May have surplus.

Proviso.

Aldermen to prescribe mode of lowering grade.

Shall lay out new streets.

Damages, how to be assessed.

Proviso.

Aldermen may dispose of property of city on Fort Hill and in Washington Square.

SECTION 4. The business affairs of said corporation shall be conducted by a board of not more than nine nor less than five directors, to be chosen annually by ballot. Each shareholder shall be entitled to as many votes as he may hold shares in the corporation, and a majority of the directors so chosen shall be necessary to form a quorum for the transaction of business.

SECTION 5. The said directors may make such equal assessments, from time to time, as they may deem expedient and necessary for the objects of the corporation, and may direct the same to be paid to the treasurer thereof; and if any proprietor shall neglect or refuse to pay any assessment for the space of thirty days from the time the same shall have been due, the directors may order the treasurer to sell said share or shares at public auction to the highest bidder, after giving due notice thereof, and the same shall be transferred to the purchaser, and the delinquent proprietor shall be holden to pay said corporation the balance, if his share or shares shall sell for less than the amount assessed thereon, with the interest and cost of sale; and he shall be entitled to the overplus if his share or shares shall sell for more than the assessment due, with the interest and cost of sale; *provided, however*, that no assessment shall be laid on any share in said corporation of a greater amount in the whole than one hundred dollars on each share.

SECTION 6. The board of aldermen of the city of Boston shall determine and prescribe in what manner said corporation may dig down and lower the grade of said hill, and what streets of said city may be used in removing the earth, and the mode and manner of using the same. Said board shall lay out such new streets, and alter and discontinue such of the old streets, courts and places, upon and across said hill, as they shall determine to be for the common convenience and necessity, having due reference to the reasonable accommodation of said corporation; and the damages occasioned thereby to any persons in their property shall be assessed in the same manner in all respects as in other cases of laying out, altering and discontinuing streets and ways: *provided*, that nothing in this act shall be construed to authorize said corporation to take any land belonging to any person without the consent of the owner thereof.

SECTION 7. The said board of aldermen may make such disposition, by sale, exchange or otherwise, of the interest of said city in any land in any street, place or court, which may be discontinued, under the provisions of this act, and in Washington Square, and of any other property of said city

upon said hill, or embraced within the limits of the boundaries specified in the second section of this act, and may make such agreement with said corporation for an exchange of the same, or any part thereof, for other land within said bounds, which may be needed for new streets, courts and places, and for other purposes, as said board may deem best for the public interest.

May make exchange with corporation.

SECTION 8. Before said corporation shall do any work in lowering said hill, which would require the said board of aldermen, in their judgment, to lay out, alter or discontinue any street, said board shall determine whether the whole or any and what portion of the damage for which said city would be liable by reason of such laying out, alteration or discontinuance, shall be borne by said corporation, for the benefit which said laying out, alteration or discontinuance may be to said corporation; and if said corporation shall, after such determination, proceed with said work of lowering said hill, then said corporation shall be liable to and shall pay the city such an amount of the damages which said city may have to pay by reason of such laying out, alteration or discontinuance, as shall have been so determined by said board; and before proceeding with said work, said corporation shall give a bond to the said city, satisfactory to said board, to pay into the city treasury all damages which by the determination of said board, made as aforesaid, they are to pay on account of the damages occasioned by such laying out, alteration or discontinuance. Said board of aldermen may also require of said corporation a bond, with such conditions as said board may prescribe, in relation to the expense of providing sewers and drains required by the lowering of said hill and the laying out, alteration or discontinuance of any street, under the provisions of this act.

Shall determine question of damages before work commences by corporation.

Corporation proceeding, shall repay to city sum disbursed for damages.

Shall give bond for payment before opening work.

Also, bond for constructing new sewers and drains and alteration of streets.

SECTION 9. This act shall be void at the expiration of three years from the date of its passage, unless the said corporation shall within that period have purchased not less than fifty thousand square feet of land, within the boundaries set forth in the second section of this act, and shall have excavated not less than one-half of the same to a depth of not less than ten feet, and have expended a sum not less than two hundred thousand dollars for the objects herein set forth.

Conditions of validity of Act.

SECTION 10. Nothing in this act shall in any way limit, restrain or abridge the right which the city of Boston now have in and to the open space or common on the summit of the said Fort Hill, called Washington Square.

Rights of city in Washington Square not abridged.

Powers of city
over streets and
ways not affected.

Real estate of cor-
poration subject
as other estate to
operation of law.

Act to be accept-
ed by city within
one year.

SECTION 11. Nothing in this act contained shall prevent the board of aldermen or other proper authorities of the city of Boston from laying out any new streets, or from altering, widening or lowering the grade of any old street upon and over the territory embraced in this act, under and in pursuance of any power they now or may hereafter have; nor shall any of the provisions of this act exempt any real estate of said corporation from the operation of any law which may now or hereafter be in force, affecting the rights of owners of real estate, within the bounds described in the second section of this act.

SECTION 12. This act shall be void and of no effect, unless the same shall be accepted by the city council of Boston within one year from the date thereof.

Approved May 17, 1865.

[1865, 279, 280.]

[1865, 278.]

Chap. 279

AN ACT to amend the "Act to establish the Fort Hill Corporation."

Be it enacted, &c., as follows:

Action of alder-
men, except as to
streets, to have
concurrence of
common council.

In any disposition, by sale, exchange or otherwise, which shall be made by the board of aldermen of the city of Boston, of Washington Square, or of lands of said city other than those now used for streets, places or courts, mentioned in the seventh section of the "Act to establish the Fort Hill Corporation," passed in the year eighteen hundred and sixty-five, the concurrence of the common council of said city shall be had before such disposition shall be made.

Approved May 17, 1865.

[1865, 280.]

[1865, 278, 279.]

Chap. 280

AN ACT in further addition to "An Act to establish the Fort Hill Corporation."

Be it enacted, &c., as follows:

Corporation to
terminate in 20
years unless char-
ter is extended.

An act entitled "An Act to establish the Fort Hill Corporation," passed in the year eighteen hundred and sixty-five, is hereby so far modified that the charter of said corporation shall terminate at the expiration of twenty years from the passage of said act, at which time said corporation shall settle and close its concerns and dispose of its property, unless such charter shall be further extended by the legislature.

Approved May 17, 1865.

[1864, 313; 1865, 122.]

AN ACT in addition to an Act authorizing the Treasurer to borrow Money. *Chap. 284*

Be it enacted, &c., as follows:

SECTION 1. The scrip or certificates of debt, or any portion of the same, authorized to be issued by chapter one hundred and twenty-two of the acts of the year eighteen hundred and sixty-five, entitled "An Act to establish the Massachusetts War Fund, and to create a sinking fund for its redemption," may, in the discretion of the governor and council, bear interest, payable semi-annually in gold, at a rate not exceeding six per cent. per annum.

Scrip issued under ch. 122, '65, may, in discretion of governor and council, bear gold interest.

SECTION 2. This act shall take effect upon its passage.

Approved May 17, 1865.

CHANGE OF NAMES OF PERSONS.

[In compliance with the 14th section of the 110th chapter of the General Statutes, returns of the following changes of names have been received at the Secretary's Department, as decreed by the several Judges of the Probate Courts, for their respective Counties.]

SUFFOLK COUNTY.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1864.			
January 4, . . .	Maria Fitzgibbon, . . .	Maria Havey, . . .	Boston.
March 21, . . .	Louis Paul Otis, . . .	Alfred Lewis Baury, . . .	Boston.
" 28, . . .	Robert Miller Slater, . . .	Howard Randolph Bowers, . . .	Boston.
April 11, . . .	Isaac Davenport Fisher, . . .	Davenport Fisher, . . .	Boston.
" 11, . . .	Charles William Brown, . . .	Gardner Charles Brown, . . .	Boston.
May 9, . . .	Ella Walsh, . . .	Carrie Ella Jenkins, . . .	Boston.
" 16, . . .	Lillian Cornis, . . .	Lillian Webster Brown, . . .	Boston.
June 6, . . .	Arthur Latham Rowell, . . .	Arthur Latham Clough, . . .	Boston.
" 27, . . .	James Henry Very, . . .	James Henry Wakefield, . . .	Boston.
October 8, . . .	William Thomas Ashton, . . .	William Thomas Bancroft, . . .	Boston.
November 14, . . .	Richard Godfrey, . . .	Richard Irwin, . . .	Boston.

December, 6,	Mary P. Nye,	.	.	.	Bertha Lincoln Putnam,	.	Boston.
" 6,	Abigail Libby Coverley,	.	.	.	Abby Libby Lunt,	.	Boston.
" 19,	Gracie Emma Thomas,	.	.	.	Gracie Emma Kelley,	.	Boston.
" 19,	Sophia Beck,	.	.	.	Gertrude Hatchman,	.	Boston.

ESSEX COUNTY.							
February 2,	William E. Fisher,*	.	.	.	William E. Prentiss,	.	Marblehead.
March 1,	Mary Jane Fremont,*	.	.	.	Alice Fremont Willey,.	.	South Danvers.
June 7,	Annie Elizabeth King,.	.	.	.	Annie Fabens King,	.	Salem.
" 7,	Mary Jane Howe,*	.	.	.	Mary Jane Bridges,	.	Newburyport.
" 14,	Harry Dow,.	.	.	.	Harry Dow Moray,	.	Lawrence.
" 14,	Mary Emma Bean,*	.	.	.	Emma Bean Chase,	.	Lawrence.
July 5,	William Fitzgibbon,*	.	.	.	William Fitzgibbon Erwin,	.	Gloucester.
August 2,	Maria Emma Ingalls,	.	.	.	Emma Williston Ingalls,	.	Andover.
" 2,	Elizabeth D. Howe,	.	.	.	Elizabeth Howe Richards,	.	Lynn.
October 4,.	Emma Frances Cheneworth,*	.	.	.	Emma Frances Burns,	.	Lynn.
" 11,.	Eva Adelaide De Wolf,*	.	.	.	Eva Adelaide Smith,	.	Gloucester.
" 18,.	William Carr Moreau,*	.	.	.	William Charles Anderson,	.	Groveland.
December 18,	Lizzie Maria Withey,*.	.	.	.	Lizzie Maria Higgins,	.	Lawrence.

* Minor: name changed by reason of adoption.

MIDDLESEX COUNTY.

Date of Decree.	Original Name.	Name Deceased.	Residence.
1864.			
January 26,	Susan Elizabeth Ames,*	Susan Elizabeth Sparhawk,	Brighton.
" 26,	Rhoda Jane Ames,*	Rhoda Jane Sparhawk,	Brighton.
February 5,	Fanny M. Hunt,*	Fanny Hamilton Flint,	Cambridge.
March 22,	John Alexander Jennison,*	John Alexander Holmes,	Wayland.
April 5,	Charles Fremont Chapman,*	Charles Henry Pierson,	Wilmington.
" 5,	William F. L. Chapman,*	William Justin Damon,	Reading.
" 12,	Eugene Hall,*	William Henry Gurney,	Natick.
" 26,	Anne Stewart,*	Anne Crowley,	Malden.
May 10,	William Parker Lewis,*	Samuel William Fowler,	Malden.
June 14,	Sarah Jane Carroll,*	Sarah Jane Twitchell,	Hopkinton.
" 14,	Annie A. Cushman,*	Annie Augusta Hastings,	Natick.
" 28,	Horace Joseph Butterworth,*	Horace Joseph Allen,	Woburn.
August 9,	Kenneth John Brown,	Kenneth John Ware,	Medford.
September 6,	Charles Henry Pratt,*	Charles Henry Lovett,	Lowell.
" 6,	Clara W. Weeks,*	Clara W. Smith,	Lowell.
" 13,	George Fred. Mortimer Nowlan,*	Fred. Mortimer Bell,	Malden.
" 27,	Nellie Hoyet,*	Hattie Mills,	Groton.

October 4.,	Mary Catharine Houghton,*	Mary Catharine Beath,	Cambridge.]
" 11.,	Mary Elizabeth Kenedy,*	Merriam Farrington,	Holliston.
November 22,	Horatio Griffin,*	Horace James,	Medford.
December 13,	Harry Ellison Chase,*	Harry Ellison Seaver,	Charlestown.
" 13,	Emma Jane Parker,*	Emma Mehitable Morse,	Marlborough.
" 13,	Leslie Frances Martin,*	Leslie Frances Adams,	Lowell.
" 27,	Lida Cecelia Pearl,*	Ida Webb,	Waltham.

* Minor: name changed by reason of adoption.

WORCESTER COUNTY.

March 1,	Evelyn E. Tidd,	Evelyn E. Plummer,	Warren.
February 2,	Edwin Tyson Townsend,	Edward Townsend,	Spencer.
April 5,	Sarah Maria Farnum,	Sarah Maria Taft,	Uxbridge.
" 5,	Mary Ann Dowd,	Mary Ann Darney,	Worcester.
" 5,	Catharine Dowd,	Catharine Gernhard,	Worcester.
May 3,	Nellie Brown,	Nellie Wakefield,	Worcester.
" 3,	Arthur W. Conant,	Arthur Warren Conant Loverwell,	Gardner.
June 7,	Cassie Vernon Miller,	Cassie Vernon Miller Long,	Westborough.
" 7,	Annie Dowd,	Annie Vail,	Worcester.

WORCESTER COUNTY—Continued.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1864.			
June 7, . . .	Nettie Maria Norcross, .	Nettie Maria Martin, .	Worcester.
" 7, . . .	Susie Adams, . . .	Susie A. Dodd, . . .	Paxton.
July 5, . . .	Margaret Josephine Perry, .	Margaret Louise Humphrey,	Milford.
August 2, . . .	Georgie E. Smith, . . .	Ella Maria Sibley, . . .	Westborough.
" 2, . . .	Hattie Ann Spooner, . . .	Hattie Ann Brown, . . .	Leicester.
September 6, . . .	Stephen Edward McGann, . . .	Stephen Edward McGann Finnesty,	Milford.
" 6, . . .	Clara Etta Gould, . . .	Nellie Elizabeth Hatch, . . .	Leicester.
" 6, . . .	Joseph Washington Estabrook Lindsay,	Joseph Ira Lindsay, . . .	Grafton.
" 29, . . .	Cora M. Gould, . . .	Cora M. Wheaton, . . .	Leicester.
November 1, . . .	Lucy Caroline Brooks, . . .	Lucy Caroline Warner, . . .	Harvard.
" 1, . . .	Eva Kendall, . . .	Eva Merton Clemence, . . .	Worcester.
" 1, . . .	George Fabian Dupsey, . . .	George Carr, . . .	Worcester.
" 1, . . .	William Arthur Cummings, . . .	William Arthur Eager, . . .	Leominster.
" 1, . . .	Ernest Buck, . . .	Ernest Clapper, . . .	Millbury.
December 6, . . .	Lizzie E. Hubbard, . . .	Lizzie H. Ellis, . . .	Milford.

HAMPSHIRE COUNTY.

January 5, .	Frank Fiske,	. . . . .	Frank Fiske Brown, .	. . . . .	South Hadley.
" 5, .	William A. Turner,	. . . . .	Leon Ellsworth Beale, .	. . . . .	Northampton.
March 1, .	Emily Adelaide Livingston, .	. . . . .	Katie Emma King, .	. . . . .	Plainfield.
April 14, .	Joseph W. Porter,	. . . . .	Wellington Joseph Patterson,	. . . . .	Huntington.
22 September 6,	Curtis R. Graves, .	. . . . .	Curtis R. Smith, .	. . . . .	Amherst.
October 11, .	Lucy Ellen King, .	. . . . .	Lucy King Dikeman, .	. . . . .	Northampton.
November 1, .	Ella J. Bushnell, .	. . . . .	Ella J. Warner, .	. . . . .	Williamsburg.

HAMPDEN COUNTY.

—*	Joel N. Clark, .	. . . . .	Joel Norton, .	. . . . .	Blanford.
February 2, .	George Sidney Brown,	. . . . .	George Sidney Hamilton,	. . . . .	Blanford.
March 15, .	Frederick B. Winchell,	. . . . .	Frederick B. Rogers, .	. . . . .	Chester.
April 5, .	Charles Bates, .	. . . . .	Charles Weaver, .	. . . . .	Chicopee.
" 5, .	Clara Eva Harvey,	. . . . .	Clara Eva Easton,	. . . . .	Southwick.
June 7, .	Mary Butler, .	. . . . .	Minnie W. Finkham,	. . . . .	Springfield.
• " 7, .	Mary M. Simons, .	. . . . .	Mary M. Burt, .	. . . . .	Longmeadow.
July 5, .	Mary Ida Simons,	. . . . .	Cora Bell Clark, .	. . . . .	Chester.

• Decreed December 1, 1863.

HAMPDEN COUNTY—Continued.

Date of Decree.	Original Name.	Name Decreed.	Residence.
1864.			
July 5, . . .	Alia Eveline Thompson, . . .	Alia Eveline Kendall, . . .	Chicopee.
" 5, . . .	John Neal, . . .	John N. Capen, . . .	Springfield.
" 17, . . .	Charles Dinkle, . . .	Frederick Briggs Converse, . . .	Monson.

FRANKLIN COUNTY.

February 2, . . .	Alice F. Dunbar, . . .	Alice F. Munson, . . .	Greenfield.
" 9, . . .	Franklin E. Turner, . . .	Lyman F. Griggs, . . .	Ashfield.
" 9, . . .	James Hicks, . . .	James Hicks Hunt, . . .	Rowe.
May 3, . . .	Henrietta E. Smith, . . .	Henrietta Emeline Wilson, . . .	Shutesbury.
" 3, . . .	Minnie Maria Hall, . . .	Minnie Maria Pierce, . . .	Buckland.
June 7, . . .	Abigail Thomas, . . .	Abbie Maria Willis, . . .	Buckland.
July 5, . . .	Sarah Nunney, . . .	Sarah Sprague, . . .	Buckland.
August 2, . . .	Elizabeth A. Dawson, . . .	Mary Ella King, . . .	Buckland.
" 2, . . .	Emily Nunney, . . .	Emily Nunney Brown, . . .	Buckland.
September 6, . . .	William E. Martin, . . .	William Arthur Cook, . . .	Heath.

October 25, .	Ada Johnson,	Ada Johnson Powers,	Shelburne.
" 25, .	Daniel P. Johnson,	Daniel Johnson Powers,	Shelburne.
" 25, .	Lucinda Melessa Payne,	Beadie Melessa Payne,	Buckland.
December 6, .	Carrie B. Vose,	Carrie Belle Harris,	Charlмонт.

BEEKSHIRE COUNTY.

March 18,	Laura Ellen Shattuck,	Ellen Jane Ballou,	Adams.
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NORFOLK COUNTY.

February 18,	William Sherman Elliot,	William Sherman Fellows,	Milton.
" 27,	Frank W. Slater,	John Franklin Bowling,	Foxborough.
April 2,	Charles Mansfield,	Charles Henry Mansfield,	Needham.
" 16,	Nellie Baker Spring,	Helen Amelia Shaw,	Unknown.
July 2,	Ether H. P. Stevens,	Ether H. P. Sumner,	Foxborough.
August 20,	Frank Ellis Perry,	Frank Ellis Hill,	Foxborough.
" 27,	Henry Ambrose Heeling,	Henry Lomasney Kirby,	Roxbury.
November 5,	Margaret Cunningham,	Mary Ella Burroughs,	Unknown.

BRISTOL COUNTY.

Date of Decease.	Original Name.	Name Deceased.	Residence.
1864.			
February 5,	Emma Louisa Caneau, .	Emma Louisa Dean, .	Taunton.
" 15,	Hannah Louisa Pratt, .	Hannah Louisa Stanley, .	Taunton.
" 19,	Mary Ella Black, .	Mary Ella Hunt, .	Taunton.
March 16,	Caroline Elizabeth Cheatham, .	Caroline Elizabeth Bosworth, .	Attleborough.
July 8,	Alice Almy Davol, .	Almy Cartwright, .	Somerset.
August 19,	Hester Henrietta Pratt, .	Hester Henrietta Fuller, .	Rehoboth.
September 16,	Emma Theresa Harriman, .	Emma Allen Battelle, .	Taunton.

PLYMOUTH COUNTY.

June 12,	Irene Allen Taylor,* .	Irene Allen White, .	Duxbury.
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BARNSTABLE COUNTY.

June 21,	Charles Ellis, .	Charles Sears, .	Dennis.
" 21,	Frederick Joseph Crocker, .	Frederick William Crocker, .	Barnstable.
November 3,	Minnie Fletcher Howe, .	Minnie Fletcher Luscombe, .	Provincetown.

DUKES COUNTY.

—† . . .	Tristram Ripley,*	Tristram R. Holley,	Edgartown.
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NANTUCKET COUNTY.

September —, :	James Ross Gardner,	James Ross,	Nantucket.
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* Minor: name changed by reason of adoption.

† Deceased January 19, 1868.

INDEX.

A.

	Page.
Abington Gas Light Company, incorporated,	148
Abington and Hingham, boundary line between, established,	163
Abington and Randolph, boundary line between, established,	163
Academy, Arms, in Shelburne Falls, incorporated,	84
Arms, Buckland and Shelburne may aid to purchase land, &c., for,	84
Cushing, in the town of Ashburnham, established,	719
Dean, incorporated,	651
Trustees of Marblehead, in relation to,	677
Williston Seminary, in addition to Acts incorporating,	335
Accident Insurance Company, incorporated,	643
Acts of Governor and Council, under chap. 216, 1861, confirmed,	507
Acushnet, incorporated,	18
in addition to incorporate,	184
Adams Sugar Refinery, incorporated,	712
Adams, town of, supplied with pure water,	691
Etna Mills, incorporated,	480
Agawam Bridge Company, organization of, and proceedings confirmed,	139
Agawam Bridge Company, concerning,	540
Agawam and Half-way Pond Rivers, fisheries in, regulated,	51, 386
Aged Colored Women, Home for, incorporated,	500
Aged and Destitute Women in Salem, Association for relief of, incor- porated,	98
Aged Men, Home for, incorporated,	87
Agricultural Branch Railroad Company, concerning,	30, 681
may change location of road,	148
in addition to incorporate,	228
time for location and construction extended,	294
time for location and construction extended and change of loca- tion authorized,	615
Agricultural College, Trustees of Massachusetts, incorporated,	444
concerning,	569, 718
Amherst, may raise money for,	695
Agricultural and Social Library Association, Georgetown, incorporated,	65
Agricultural Society, Berkshire, relating to,	66
Bristol County Central, to incorporate,	292
Hampden County, time changed for holding annual exhibition of,	176
Hampden East, concerning,	279
Hampshire, time for Annual Exhibition changed,	626

	Page.
Agricultural Society, Hoosac Valley, in Adams, incorporated, . . .	35
Martha's Vineyard, Act of incorporation amended, . . .	89
Middlesex North, time fixed for holding annual fair, . . .	261
Nantucket, in addition to incorporate, . . .	86
Nantucket, time fixed for holding annual fair, . . .	261
Worcester, in relation to, . . .	163
Worcester, South-East, in Milford, incorporated, . . .	41
Worcester, South-East, in relation to, . . .	340
Agricultural and Mechanic Arts, fund created for education in, . . .	418
Akin, David K., may extend his wharf in Yarmouth, . . .	357
Alewive Fishery, in Barlow's Pond, Mattapolsett, regulated, . . .	688
in Barker's River, Pembroke, to protect, . . .	625
in Wellfleet, concerning, . . .	639
Alewives and other fish in Mystic River, protected, . . .	710
Allotments by Volunteers, encouraged, . . .	357
Allotments and Bounties to Soldiers, to secure payment of, . . .	573
American Bituminized Pipe Company, incorporated, . . .	321
American Board of Commissioners for Foreign Missions, in addition to incorporate, . . .	428
American Congregational Association, name changed from Congrega- tional Library Association, . . .	559
American Flax Cotton Company, capital increased and location changed, . . .	187
American Machine Works, capital increased, . . .	545
American Nail Machine Company, incorporated, . . .	532
American Print Works, provisions affecting, . . .	453
American Safety Steam-Engine Company, incorporated, . . .	709
American Society of Hibernians, incorporated, . . .	173
American Steamship Company, incorporated, . . .	384
in addition to incorporate, . . .	690
American Steamship Company, provisions of Act of 1863, extended, . . .	529
American Watch Company, capital increased, . . .	618
American Wheat Company, incorporated, . . .	557
Amesbury and Salisbury incorporated as Town of Merrimac, . . .	546
Amherst, may raise money for Agricultural College, . . .	695
Amherst, Belchertown and Palmer Railroad Company, concerning, . . .	471
Amherst, Branch Railroad, charter revived, . . .	533
Amherst, Savings Bank, incorporated, . . .	525
Angel Guardian, Trustees of House of, in addition to incorporate, . . .	30
Appeals and Removals in proceedings before Police Courts and Justices of the Peace, concerning, . . .	327
Aqueduct Company, Cambridgeport, Cambridge Water Works may pur- chase franchise of, . . .	128
Aqueduct Company, Lynn, incorporated, . . .	663
Aqueduct Company, Springfield, capital increased, . . .	540
City of Springfield may purchase franchise, . . .	541
Arkwright Mutual Fire Insurance Company in Boston, incorporated, . . .	6
in addition to incorporate, . . .	141, 253
Arlington Street Church, Proprietors of, name established, . . .	254

INDEX.

745

	Page.
Arms Academy in Shelburne Falls, incorporated,	84
Buckland and Shelburne may aid to purchase lands, &c., for,	84
Arms Company, Rollin White, incorporated,	483
Art Association, Worcester, incorporated,	639
Artillery Company, Trustees of Newburyport Veteran, incorporated,	448
Ashburnham, Town of, Cushing Academy established in,	719
Assignment and distribution of monthly pay of Volunteers, concerning,	725
Assistant Sergeant-at-Arms, appointment authorized,	369
Associate Reformed Presbyterian Church in Fall River, name changed,	266
Association for the Relief of Aged and Destitute Women, in Salem, incorporated,	98
American Congregational, name established,	559
Boston Labor Reform, incorporated,	654
Bunker Hill Monument, in addition to incorporate,	652
City Library, of Springfield, incorporated,	529
Congregational Library, concerning, and name changed to American Congregational Association,	559
Everett Hall, incorporated,	677
Franklin Cemetery, charter revived,	505
Georgetown Agricultural and Social Library, incorporated,	65
Haverhill Library, incorporated,	19
Ladies' Charitable, in Haverhill, name changed to Old Ladies' Home Association,	719
Old Ladies' Home, Haverhill, name established,	719
Salem Charitable Mechanic, charter revived and renewed,	553
North Weymouth Cemetery, incorporated,	717
Protective War Claim, incorporated,	341
Worcester Art, incorporated,	639
Assonet Fishing Company, incorporated,	48
Asylum for the Blind, Massachusetts, appointment of Trustees,	505
Temporary for Discharged Female Prisoners, incorporated,	549
for inebriates, Boston, establishment authorized,	571
Athenaeum, Westfield, incorporated,	503
Attleborough Savings Bank, incorporated,	5

B.

Back Bay Lands, for more speedy filling of,	101, 255
in relation to streets on,	198
Back Bay Improvement Company, incorporated,	88
Back River, Bridge over, in Salisbury, G. C. Carlton may build,	495
Bacon, Peter C., acts as Justice of Peace, confirmed,	437
Baker, Obed, third, may build wharf in South Dennis,	620
Baker, Levi, against Henry A. Wise, case of, in relation to,	232
Balconies of House of Representatives, to be removed,	1
Baldwin Place Baptist Society, name changed, may sell estate,	622
Baldwin Place Home for Little Wanderers, incorporated,	647
Baltic Marine and Fire Insurance Company, incorporated,	360

	Page.
Bank, Amherst Savings, incorporated,	525
Attleborough Savings, incorporated,	5
Institution for Savings in Barnstable may hold real estate,	4
Bay State, in Lawrence, capital reduced,	15
Bay State, in Lawrence, reduction of capital confirmed,	187
Berkshire, in Adams, incorporated,	99
Boston Penny Savings, incorporated,	157
Boston Penny Savings, time for organizing extended,	398
of Brighton, capital reduced,	256
Brighton Five Cents Savings, incorporated,	183
Bristol County, in Taunton, capital increased,	135
Central, in Worcester, capital reduced,	267
Charlestown Five Cents Savings, may hold real estate,	495
City, of Lynn, capital increased,	46
Columbian, in Boston, capital increased,	43
Eagle, in Boston, capital increased,	43
Elliot Five Cents Savings, incorporated,	470
Essex, of Haverhill, capital increased,	138
Fairhaven, capital reduced,	351
Fairhaven Institution for Savings may hold real estate,	160
Fall River Union, in relation to,	266
Faneuil Hall, may hold real estate,	483
Franklin Savings, in Boston, incorporated,	160
Hingham Institution for Savings authorized to hold real estate,	125
Hopkinton Savings, incorporated,	571
Lechmere, in Cambridge, capital increased,	45
Lee, capital reduced,	353
Leominster Savings, incorporated,	638
Malden Savings, incorporated,	87
Marlborough Savings, incorporated,	99
Marblehead, capital reduced,	352
Mechanics' Savings, in Lowell, incorporated,	150
Mercantile Savings Institution in Boston, incorporated,	173
Merchants', Boston, capital reduced,	448
Merchants', in Lowell, capital increased,	45
Merchants', of Newburyport, capital reduced,	349
Mutual Redemption, Banks holding stock of, relating to,	548
Mutual Redemption, number of directors increased,	367
North Easton Savings, incorporated,	474
Pawners', in Boston, charter amended,	617
Pawners', in New Bedford, incorporated,	323
People's Savings, of Worcester, incorporated,	583
of Petty Loans and Savings, in Boston, incorporated,	205
Pocasset, in Fall River, in relation to,	268
Rockland, capital increased,	493
Rockport, capital reduced,	349
Salem Savings, acts of confirmed,	520
Salem Savings, concerning,	634

INDEX.

747

	Page.
Bank, Salem Five Cents Savings, authorized to hold real estate, .	189
Savings, in Fall River, in relation to,	276
Sandwich Savings, incorporated,	667
Shelburne Falls, in Shelburne, capital increased,	42
South Boston Savings, incorporated,	356
Springfield Institution for Savings, to hold real estate,	341
Suffolk Savings, for Seamen and others, may hold real estate,	616
Tremont, in Boston, capital increased,	44
Union Institution for Savings in Boston, incorporated,	617
Village, in Danvers, capital reduced,	254
Waltham, capital reduced,	355
Wellfleet Savings, incorporated,	356
West Cambridge Five Cents Savings, incorporated,	88
Wrentham, capital reduced,	354
Banks holding stock of Bank of Mutual Redemption, relating to, .	548
Baptist Society, First, in Tyngsborough, concerning,	544
Baptist Society, Second, in Beverly, may sell their parsonage,	100
Baptist Society, Second, in Taunton, name changed, may hold real estate,	474
Baptist Society, Third, in Haverhill, name changed to Portland Street,	712
Baptist Society, Winthrop Street, name established and may hold real estate,	474
Barker's River, in Pembroke, Alewife Fishery in, regulated,	625
Barlow's Pond, in Mattapoisett, Fishery in regulated,	688
Barnstable County authorized to raise money for erection or enlargement of Jail and House of Correction,	283, 451
Barnstable, Institution for Savings in, may hold real estate,	4
Baths, Public, Woburn may establish,	568
Battery Wharf Company allowed further time to organize,	99
Bay State Bank, in Lawrence, capital reduced,	15
Bay State Bank, in Lawrence, reduction of capital confirmed,	187
Bay State Fire Insurance Company, in Worcester, incorporated,	50
Bay State Silver Mining Company, incorporated,	724
Bay State Steamboat Company, provisions affecting,	211
Bay State Steamboat Company, charter amended,	451
Bayley, Abner L., may extend wharf in Amesbury,	503
Beach, Cut, in Gloucester to protect,	569
Beacon Hill Monument, rebuilding authorized,	652
Becket, Town of, may take stock in Pittsfield and New Haven Railroad,	579
Belmont, Cambridge, West Cambridge and, boundary line between, established,	262
Belmont, West Cambridge Gas Light Company authorized to extend pipes, &c., into Winchester, and,	109
Belmont and West Cambridge, boundary line between defined,	127
Belmont Horse Railroad Company incorporated,	167
Belting Company, Boston, capital increased,	287
Belvidere Woolen Manufacturing Company, in Lowell, in addition to incorporate,	184
Benevolent Society, Hibernian, of Boston, incorporated,	419

	Page.
Benevolent Society, Boston Irish American, incorporated, . . .	401
Beoli Company, incorporated,	551
Berkeley Street Congregational Society in Boston, name changed from Pine Street Congregational Society,	125
Berkshire Agricultural Society, relating to,	66
Berkshire Bank, in Adams, incorporated,	99
Berkshire County, Law Term of S. J. Court changed,	174
Berkshire, Commissioners of, time changed for holding meetings, . . .	1
Berkshire Life Insurance Company, in addition to incorporate, . . .	350, 528
Berkshire Mutual Fire Insurance Company, charter renewed, . . .	336
Beverly Mechanics' Railway Company, incorporated,	85
Bible Society of Massachusetts, named changed to Massachusetts Bible Society,	627
Bituminized Pipe Company, American, incorporated,	321
Blind, Perkins Institution and Massachusetts Asylum for, concerning, .	505
Board of Overseers of Harvard College, concerning,	683
Boston Asylum for Inebriates, established,	571
Boston Belting Company, capital increased,	287
Boston, Barre and Gardner Railroad, time for constructing extended, .	619
Boston, Barre and Gardner Railroad Corporation, concerning, . . .	369
Boston and Chelsea Police Courts, concerning,	432
Boston and Chelsea Railroad Company, may use Metropolitan and Mid- dlesex roads,	498
rate of fare, concerning,	587
Boston, City of, may lay out and widen a street,	675
Livery Stables in, concerning,	61
concerning powers of Constables in,	86
Overseers of the Poor, in relation to,	323
Overseers of the Poor, concerning,	522
may loan its credit or take stock of Troy and Greenfield Railroad Company,	98
may build an additional reservoir,	661
supply of water for, additional Act,	593
Boston and Chelsea Railroad, provisions affecting,	129, 344
Boston Children's Aid Society, incorporated,	645
Boston College, Trustees of, incorporated,	392
Boston and Colonial Steamship Company, incorporated,	640
Boston and Fairhaven Iron Works, incorporated,	420
may have track in Fairhaven,	524
Boston, Faneull Hall Market in, concerning,	87
Boston Gas Light Company, capital increased,	287
Boston and Gloucester Steamboat Company, incorporated,	18
Boston Harbor, concerning,	80, 94, 110, 601
flats in, transfer authorized,	215
wharves and bridges in, concerning mooring rafts to,	283
outer harbor, protected,	604
Harbor Master of port of, concerning,	279
Boston, Hartford and Erie Railroad Company, may mortgage its railroad, .	725

INDEX.

749

	Page.
Boston, Hartford and Erie Railroad Company, provisions affecting, concerning,	602, 628
Boston, Hibernian Benevolent Society of, incorporated,	419
Boston House Company, incorporated,	379
Boston Insurance Company, to continue in force,	276
Boston Irish American Benevolent Society, incorporated,	401
Boston Labor Reform Association, incorporated,	654
Boston and Maine Railroad, provisions affecting,	129, 215, 490
Boston and New York Steamboat Company, incorporated,	629
Boston and New York Steamship Company, incorporated,	557
Boston and Newburyport Turnpike, provisions affecting,	181
Boston New Church Union, incorporated,	469
Boston Penny Savings Bank, incorporated,	157
relating to,	398
Boston Pier or Long Wharf, Proprietors of, may extend wharf,	84
Boston, Police Court in, concerning salaries of clerks of,	58
concerning commitments to House of Industry,	101
in relation to,	231
Boston and Providence Railroad Corporation, capital increased,	632
provisions affecting,	642
Boston and Roxbury, boundary line between, changed,	92
Boston and Roxbury Mill Corporation, concerning,	227
Boston Safe Deposit Company, incorporated,	722
Boston Screw Company, incorporated,	722
Boston Society of Natural History, concerning,	164
aid granted to,	217
sections of Act granting aid to, repealed,	448
Boston Society of the New Jerusalem, in addition to incorporate,	187
Boston Society for Prevention of Pauperism, may hold additional estate,	529
Boston and Southern Steamship Company, charter amended,	160
Boston Sugar Refinery, capital increased,	431
Boston Union Relief Society, incorporated,	260
Boston and Virginia Steamship Company, incorporated,	67
Boston Water Works, Act supplying with pure water, amended,	240
Boston Wharf Company, concerning,	438
Boston Wheat and Bread Company, incorporated,	706
Boston and Worcester Railroad, provisions affecting,	490
Bounties paid volunteers, by towns, re-imbursement provided,	441
payment of, provided for,	459
provisions for payment, extended,	494
chapter 292, Acts of 1864, relating to payment of, repealed,	688
to be paid in anticipation of calls,	599
for enlistments in naval service, provided for,	530, 568
and monthly compensation, payment of, concerning,	671
more certain payment secured,	578
provisions of Act of 1863, extended,	494, 525
to whom paid on decease of person enlisting,	502
to volunteers, additional for payment of,	486, 502, 688

	Page.
Bounty Fund, Massachusetts, established,	603
Bowly, Gideon and Joshua E., may extend wharf in Provincetown,	490
Bowditch Manufacturing Company, in Salem, incorporated,	141
Boxford, First Parish in, may sell estate,	633
Boylston Fire and Marine Insurance Company, charter renewed,	470
Bradford and Haverhill Police Court, concerning,	230
Bradford, Joseph Russell, acts as Justice of Peace, confirmed,	715
Braintree, Weymouth and, Mutual Fire Insurance Company in Weymouth, continued in force,	132
Braintree and Weymouth Turnpike, additional concerning,	370
Breakwater in Gloucester, Beniah Colburn and others, authorized to extend,	137
Brewster, may take stock in the Cape Cod Central Railroad,	472
Brewster and Orleans, boundary line between, established,	146
Bridge, Agawam, Company, organization of and proceedings confirmed,	139
concerning,	540
Cambridge Great, re-building and support of, in relation to,	230
Charles River and Warren, to become highways,	715
Charles River and Warren Bridges Fund, relating to,	584
over Connecticut River between Northampton and Hadley, in addition to incorporate,	30
Dartmouth, tolls at, in addition to regulate,	262
Essex, relating to,	38
of Fall River and Warren Railroads over Cole's River, draw in,	601
Free, over North River, between Marshfield and Scituate, established,	641
of Grand Junction Railroad, over Chelsea Creek, draw in,	519
Granite, Corporation, concerning,	694
Great, over Charles River, Lexington and W. Cambridge exempted from supporting,	56
Commissioners for Middlesex County may lay out as a highway, across Herring River, Selectmen of Harwich authorized to construct,	57
.	135
across Herring River, maintenance of, authorized,	138
Holyoke and South Hadley Falls, Company, incorporated,	679
Malden may maintain,	265
Neponset, Proprietors of, concerning,	33, 225
Neponset, Trustees of, provisions affecting,	255
Neponset and Braintree and Weymouth Turnpike, in addition to Act concerning,	370
Patucket, concerning,	126
Patucket, Commissioners of Middlesex County authorized to lay out as highway,	49
over Taunton Great River, in Taunton, commissioners may lay out road and construct,	63
Warren, Pier on, concerning lease of,	236
Warren and Charles River, to become highways,	715
Warren and Charles River, fund of relating to,	584

INDEX.

751

	Page.
Bridge, Weir, in Taunton, town required to rebuild,	552
Bridges, Hingham and Quincy Turnpike, and, concerning,	82, 315
Brighton, Bank of, capital reduced,	256
Brighton Five Cents Savings Bank, incorporated,	183
Bristol County, additional jury term of S. J. Court,	112
Bristol County Central Agricultural Society, incorporated,	292
Bristol County Bank, in Taunton, capital increased,	135
Bristol County, Commissioners of, may lay out road and construct bridge over Taunton Great River in Taunton,	63
Probate Courts in, terms established,	253
Broadway Insurance Company, in Boston, incorporated,	626
Broadway Railroad Company, concerning,	223
capital increased,	619
Broadway, Suffolk and Metropolitan Railroad Companies, concerning,	311
Brodhead, William and Ann C., marriage legalized,	400
Brookline Gas Company, in addition to incorporate,	86
Brookline Water Company, incorporated,	229
to amend Act to incorporate,	326
Buckland may make appropriation for military purposes,	158
Buckland and Shelburne may aid to purchase land, &c., for Arms Academy,	34
Building Association, Citizens, in New Bedford, incorporated,	64
Building Company, Real Estate and, in Dorchester, Milton and Dedham, incorporated,	133
Bunker Hill Fire Insurance Company, incorporated,	358
Bunker Hill Monument Association, in addition to incorporate,	652
Burgess, Reuben and Hope C., marriage legalized,	400
Buzzard's Bay, taking of Menhaden in, relating to,	706

C.

Cambridge Cemetery, in addition to Act relating to,	711
Cambridge, City of, Belmont, West Cambridge and boundary line be- tween, established,	262
may fill portion of a creek,	4
Dams and Dikes in, in addition to authorize Edmund T. Dana and others to construct,	31, 175
transportation of gunpowder in, regulated,	59
concerning sidewalks in,	430
supplied with pure water,	672
Cambridge Great Bridge, rebuilding and support of, in relation to,	280
Cambridge Mutual Fire Insurance Company, to continue in force,	124
Cambridge, Putnam Hall Association, in, incorporated,	318
Cambridge Railroad Company, concerning investments of Sinking Fund of,	378
provisions affecting,	168, 169, 312, 395
may unite with West Cambridge Horse Railroad,	527
may purchase franchise of Somerville Horse Railroad Company,	573

INDEX.

	Page
Cambridge and Lowell. boundary line between, additional to Act relating to	309
Cambridge Water Works, authorized to purchase property and franchise of Cambridgeport Aqueduct Company,	128
Cambridgeport Aqueduct Company, Cambridge Water Works may purchase property and franchise of.	128
Canal, Haverhill, in relation to Proprietors of.	109
Canaan and Lewis on Connecticut River. Proprietors of, additional to Act concerning.	309
Canterbury and Fitchburg Railroad Company, incorporated,	627
Cape Ann Mutual Fishing Insurance Company, in Gloucester, incorporated.	25
Cape Ann Telephone Company, incorporated,	47
Cape Cod Central Railroad Company, incorporated,	184
in addition to incorporate.	382, 632
in further addition to incorporate.	588, 702
Beverly may take stock in.	473
Boston may take stock in.	375
Harwich may take stock in.	379
Orleans may take stock in.	380
Cape Cod Railway Company, incorporated,	690
Cape Cod Stage Company, incorporated,	469
Cape Cod Mutual Fire Insurance Company, in Harwich, incorporated,	204, 369
Cape Cod Railroad Company, may build wharf in Wareham,	375
provisions affecting,	227, 650
Carleton, part of Chelmsford annexed to.	623
Carlton, Granville C. may build bridge over Back River, in Salisbury,	496
Carney Hospital, Boston, incorporated,	636
Cary Improvement Company, provisions affecting,	397
Cemetery, Cambridge, in addition to Act relating to.	711
Association, Franklin, incorporated,	49
Association, Franklin, in relation to.	505
Proprietors of Maple Grove, in Chicopee, incorporated,	624
Mount Adnah, in Gloucester, incorporated,	37
Association, North Weymouth, incorporated,	717
Central Bank in Worcester, capital reduced.	267
Central Mills Company, incorporated,	335
Channing Home in Boston, incorporated,	150
Charitable Association, Ladies', in Haverhill, name changed to Old Ladies' Home Association.	719
Charles River, Great Bridge over, Lexington and W. Cambridge exempted from supporting,	56
Charles River and Warren Bridges, to become highways,	715
Charles River and Warren Bridges Fund, relating to,	584
Charlestown, City of, in addition to establish,	189
concerning,	531
concerning sidewalks in,	539
for supplying with pure water,	114, 176, 576

INDEX.

753

Page.

Charlestown, City of, in amendment of and in addition to Act for supplying with water,	335, 665
Chelsea may purchase supply of water from,	669
lands in, ceded to the United States,	320
Police Court established,	289
Charlestown Five Cents Savings Bank, may hold real estate,	495
Charlestown Freight Railroad Company, incorporated,	129
Charlestown Gas Company, may extend pipes into Medford,	39
capital increased,	481
Chatham, may take stock in Cape Cod Central Railroad,	375
Chatham and Harwich, boundary line between, established,	293
Chatham and Orleans, boundary line between, established,	293
Chelmsford, part of, annexed to Carlisle,	623
Chelsea, City of, may purchase supply of water from Charlestown,	669
and Boston, concerning Police Courts of,	432
Chelsea Creek, draw to be provided in bridge of Grand Junction Railroad over,	519
Chelsea and East Boston Street Railway Company, incorporated,	700
Chelsea Fire Insurance Company, incorporated,	624
Chelsea Gas Light Company, capital increased,	12
Cheney Express Company, incorporated,	551
Chicopee Manufacturing Company, time extended for changing par value of shares, and for issuing new shares,	60
name changed to Ellerton Mills,	476
Children, orphan and destitute, Church Home for, in addition to Act incorporating,	310
Children, Truant, in Dukes County, concerning,	393
Children and Women, New England Hospital for, incorporated,	365
Children's Aid Society, Boston, incorporated,	645
Christian Denomination, Education Society of, incorporated,	380
Church Home for orphan and destitute children, in addition, to incorporate,	310
Church of Our Redeemer, in Holliston, incorporated,	619
Cities and Towns, may raise money for recruiting purposes,	512, 521
may raise and expend money for recruiting purposes,	652
may re-imburse money paid for recruiting purposes,	672
prohibited from making illegal appropriations,	391
doings of, in aid of the war, legalized,	345
Citizens' Building Association in New Bedford, incorporated,	64
Citizens' Gas Light Company of Quincy, incorporated,	24
City of Boston, in relation to the Overseers of the Poor,	323
Livery Stables in, concerning,	61
in relation to the Police Court of,	326
concerning Appeals and Removals in proceedings before the Police Court,	327
and Chelsea Police Courts, concerning,	432
City of Cambridge, transportation of gunpowder in, regulated,	59
concerning sidewalks in,	430

	Page.
City of Charlestown, in addition to establish,	189
concerning,	521
in addition to Act for supplying with pure water,	545
City of Chelsea, and Boston, Police Courts, concerning,	432
City of Fall River, to amend charter of,	33
relating to,	399
City of Lawrence, in addition to establish,	198
in relation to sealing weights and measures in,	290
City of Lowell, concerning sealing weights and measures in,	216
City of Lynn, in addition to establish,	183
City of New Bedford, in addition to Act establishing,	402
in relation to,	400
for supplying with pure water,	413
City of Newburyport, charter amended,	93
in addition to establish,	394, 503, 595
City of Salem, in addition to Act establishing,	388
City of Springfield, may convey certain real estate,	188
regulating construction of wooden buildings in,	204
authorized to construct certain drains,	381
concerning certain sidewalks in,	430
re-location of streets and ways,	433
City of Taunton, established,	69, 559
City of Worcester, in addition to establish,	57
Shade Trees and Public Grounds in, relating to Commissioners on,	264
City Bank of Lynn, capital increased,	46
City Fire Insurance Company, in Boston, capital increased and charter extended,	496
City Library Association of Springfield, incorporated,	529
Clafin Mills, in Grafton, incorporated,	187
Clapp's Pond, in Providence, Pickerel in, protected,	371
Cliftondale Railroad Company, in addition to incorporate,	7, 526
concerning,	131
relating to,	292
Clinton, authorized to make an appropriation,	189
Clinton Company, charter annulled,	482
Coal Company, New England Consolidated, incorporated,	710
Coast Defences of Massachusetts, in relation to,	386
Cohasset Mutual Fire Insurance Company, for supplying records of,	67
Colburn, B., and others, authorized to extend breakwater in Gloucester,	137
Cole's River, Draw in Bridge over,	601
College, Boston, Trustees of, incorporated,	392
Harvard, Board of Overseers, in relation to,	683
of the Holy Cross, Worcester, Trustees of, incorporated,	647
Trustees of Massachusetts Agricultural, incorporated,	444
Massachusetts Agricultural, concerning,	569, 718
Mass. Agr., Town of Amherst may raise fifty thousand dollars for,	695
Colonization Society, Massachusetts, incorporated,	267
Colored Women, Home for aged, incorporated,	500

INDEX.

755

	Page.
Columbian Bank, in Boston, capital increased,	43
Commercial Mutual Marine Insurance Company, charter renewed, . .	346
Commissioners of Berkshire County, time changed for holding meetings, .	1
Commissioners for Essex County may borrow money for erection of public buildings,	189
Commissioners of Plymouth County may purchase, sell, or lease lands in Hull,	484
Commissioners on Shade Trees and Public Grounds in the city of Worcester, relating to,	264
Concord and Sudbury Rivers, Flowage of Meadows on, in relation to, .	112
Act suspended,	206
Act in relation to flowage of meadows on, repealed,	297
Congregational Church in Grafton, Proprietors of, incorporated, . .	491
Congregational Library Association, name changed to American Congregational Association,	559
Congregational Ministerial Fund, Haverhill, relating to trustees of, .	709
Congregational Society, Berkeley Street, name established,	125
Congregational Society of Groveland may tax pews,	622
Congregational Society, Pine Street, Boston, name changed to Berkeley Street Congregational Society,	125
Congregational Society in First Precinct, Rehoboth, name changed, . .	477
Congregational Society of Third Parish of Roxbury, name changed, . .	474
Congregational Society in Seekonk, name established,	477
Congregational Society, First, in Woburn, concerning,	188
Congress, Grant of Lands for Agriculture and Mechanic Arts, accepted, .	418
Connecticut River, Shad Fishery in, protected,	498
Bridge over, between Northampton and Hadley, in addition to incorporate,	80
Locks and Canals on, additional to Acts concerning,	300
Connecticut River Railroad, provisions affecting,	362, 500, 538, 653
New Haven and Northampton Company may connect with,	653
Constables, in the City of Boston, Powers of,	86
Constitution Wharf Company may extend wharf,	85
Conway Fire Insurance Company of Boston, concerning,	556
Conway Stock and Mutual Fire Insurance Company, in addition to incorporate,	84
County of Suffolk, concerning imprisonment in,	101
Cranberry and Fishing Company, Little Slipwissett, incorporated, . .	159
Crowell, Prince S., may build wharf,	384
Curtis, George T., Acts as Justice of the Peace, confirmed,	359
Cushing Academy in Ashburnham, established,	719
Cut Beach, in Gloucester, protected,	569

D.

Dam across Herring River, in Harwich, authorized,	90
Dams and Dikes in Cambridge, in addition to authorize Edmund T. Dana and others to construct,	81, 175

	Page.
Dana, Edmund T. and others, in addition to authorize, to contract dams and dikes in Cambridge,	31, 175
Danvers, First Unitarian Church in, name changed to First Unitarian Church in South Danvers,	291
Danvers Railroad Company, concerning,	37
Dartmouth Bridge, in addition to regulate tolls at,	263
Dean Academy, incorporated,	651
Dean Library Association, in Medway, incorporated,	36
Dedham Historical Society, incorporated,	295
Dedham Mutual Fire Insurance Company, charter renewed,	624
Dedham and West Roxbury Railroad Company, incorporated,	190
time for location and construction, extended,	334
in relation to,	660
concerning,	536
Dental Society, Massachusetts, incorporated,	659
Destitute, Temporary Home for, in addition to incorporate,	736
may hold real and personal estate,	711
Dighton and Somerset Railroad Company, incorporated,	342
in addition to incorporate,	434, 508
Discharged Female Prisoners, Temporary Asylum for, incorporated,	549
District of Marshpee, part of, annexed to Sandwich,	40
in relation to,	427
Doane, Elijah, may build wharf in Provincetown,	623
Dock and Warehouse Company, National, incorporated,	621
Dodd, Andrew W. and others, may extend their railways,	58
Dogs owned in Gay Head, concerning,	600
Dorchester Avenue Railroad, provisions affecting,	142
Dorchester Extension Railway Company, Dorchester Railway Company may purchase franchise of,	450
Dorchester Fire Insurance Company, in addition to incorporate,	643
Dorchester Gas Light Company may purchase franchise of Milton Gas Light Company,	491
Dorchester and Milton Branch Railroad Company, may extend road,	146
time for locating and constructing extension, extended,	434
Dorchester Railway Company, concerning,	450
Dorchester and Roxbury Railroad Company, concerning,	478
Dorchester, Selectmen may lay out and construct town way in,	100
Douglas and Uxbridge, boundary line between, established,	544
Drafted men, in aid of families of,	426
Drains and Sewers in Somerville, concerning,	81
Drains, in Springfield, construction authorized,	381
Draw in Bridge of Grand Junction Railroad over Chelsea Creek, provided for,	519
Draw in Fall River and Warren Railroad, over Cole's River, construction of,	601
Drill Company, Pneumatic, incorporated,	265
Dry Dock Company, Simpson's Patent, may build wharf in East Boston,	478
Dukes County, Probate Court in, concerning,	291

INDEX.

757

	Page.
Dukes County, salary of Register of Deeds,	654
seining near the outlet of Lagoon Pond, prohibited,	268
truant children in, concerning,	393
Dunbar, William H., may build railroad track in Abington,	535
Duxbury Railroad Company, incorporated,	199

E.

Eagle Bank, in Boston, capital increased,	43
East Boston Freight Railroad Company, incorporated,	284
provisions affecting,	338
relating to,	587
East Boston Improvement Company, incorporated,	2
East Boston Wharf Company, capital increased,	182
in relation to	292
capital increased,	396
East Bridgewater, Union Society in, in relation to,	584
East Cambridge Land Company, incorporated,	150
in addition to incorporate,	396
East Falmouth Herring River Company, in Falmouth, incorporated,	367
Eclectic Medical Society, Massachusetts, incorporated,	155
Eastern Avenue, in Boston, westerly terminus changed,	42
concerning,	161, 306
Eastern Express Company, incorporated,	555
Eastern Marine Railway Company, in Provincetown, incorporated,	598
Eastern Railroad Company, concerning,	371
may straighten its location across Merrimack River,	572
provisions affecting,	215, 292, 338, 490, 668
Eastern and Essex Railroad Companies, Act concerning revived,	482
Eastern Wharf, in Gloucester, extended,	63
Easthampton and Southampton, boundary line between, established,	261
Edgartown, South Beach in, protected,	400
and Tisbury, boundary line between, established,	296
Education in Agriculture and the Mechanic Arts, Fund provided for,	418
Education Society of Christian Denomination, incorporated,	380
Edwards, Charles H., may construct Marine Railway,	57
Henry A., Acts as Superintendent of Allen Passengers, confirmed,	571
Eel River, Plymouth, Herring Fishery in,	631
Eldridge, Luther, and Philip Stetson, may extend wharf in Chatham,	516
Election of town officers of Melrose, March, 1865, confirmed,	688
Elliot Five Cents Savings Bank, incorporated,	470
Ellerton Mills, name established,	476
Emigrant Express Company, in Boston, incorporated,	577
Enlistments and Recruiting, in addition to Act to encourage,	447
Enlistments and Recruiting, to promote and regulate,	372, 458
Erving, part of Northfield annexed to,	12
Essex Bank of Haverhill, capital increased,	138
Essex Bridge, in addition to Act relating to,	38

	Page.
Essex County, additional jury term of S. J. Court,	112
Commissioners authorized to borrow money for erection and alteration of public buildings,	189
Essex Railroad Company, may sell its franchise to Eastern Railroad Company,	371
Essex and Eastern Railroad Companies, Act concerning revived,	482
Essex Merrimac Company, provisions affecting,	488
European and North American Railway, to aid construction of,	718
Everett Hall Association, incorporated,	677
Everett Mills, in Lawrence, incorporated,	8
Express Company, Cheney, incorporated,	551
Express Company, Eastern, incorporated,	555
Express Company, Emigrant, incorporated,	577
Exchange, Mariner's, in Boston, incorporated,	518

F.

Fairhaven Bank, capital reduced,	351
Fairhaven Branch Railroad Company, may convey franchise and prop- erty,	161
Fairhaven Institution for Savings, may hold real estate,	160
Fall River Mutual Fire Insurance Company, incorporated,	158
Fall River, City of, to amend charter of,	33
relating to,	399
Police Court, officers of, relating to salaries of,	285
Fall River Railroad Company, Old Colony and, concerning,	194
to extend road to State of Rhode Island, and for other purposes,	211
Fall River, Savings Bank in, in relation to,	276
Fall River Union Bank, in relation to,	266
Fall River and Warren Railroad Company, to revive and amend,	111
in addition to Act to incorporate,	545
Act of incorporation amended,	216
in addition to incorporate,	334
provisions affecting,	343
draw in bridge of, over Cole's River,	601
Fall River, Warren and Providence Railroad Company, concerning,	627, 634
Falmouth, Little Sipwissett Cranberry and Fishing Company in, incor- porated,	159
Faneuil Hall Bank, may hold real estate,	483
Faneuil Hall Market in Boston, in addition to Act concerning,	87
Farmington Valley Railroad, Springfield and, time for location and con- struction extended,	136
Father Mathew Mutual Benevolent Total Abstinence Society, in Charles- town, incorporated,	374
Father Mathew Mutual Benevolent Catholic Total Abstinence Society, in Hopkinton, incorporated,	538
Federal Street Meeting House, Proprietors of, name changed,	254
Felting Company, Fibrilia, concerning,	438

INDEX.

759

	Page.
Felting Mills, Johnson, incorporated,	682
Ferry, in Gloucester Harbor continued,	18
Ferry Company, Winnisimmet, provisions affecting,	183, 819
Fibrilia Felting Company, concerning,	488
Fifth Universalist Society in Boston, name changed to Shawmut Uni- versalist Society,	348
Fire Department, Lynn, concerning,	517
Fire Department, Worcester, election of engineers,	498
First Congregational Society in Woburn, concerning Ministerial Fund,	188
First Congregational Society of Jamaica Plain, name established,	474
First Baptist Society in Tyngsborough, concerning,	544
First Independent Church in Groveland, may sell real estate,	146
First Parish in Boxford, may sell pasture land,	688
First Parish in Dorchester, may sell real estate,	487
First Precinct in Rehoboth, in relation to Congregational Society in,	477
First Unitarian Church in Danvers, name changed to First Unitarian Church in South Danvers,	291
First Unitarian Society in Woburn, incorporated,	117
First Universalist Society in Boston, may sell real estate,	581
First Universalist Society in Essex, organization and proceedings con- firmed,	96
First Universalist and Second Congregational Societies in Lexington, may unite,	656
Fish in Little Quitticus Pond, protected,	328
Fisheries, in Agawam and Half-way Pond Rivers, regulated,	51, 886
taking of menhaden in Buzzard's Bay and Vineyard Sound, relat- ing to,	706
shad, in the Connecticut River, protected,	498
Lagoon Pond in Dukes County, seining near outlet of, prohibited,	268
E. Falmouth Herring River Company in Falmouth, incorporated,	367
Seining in the harbor of Marlon, restricted,	595
in Marshpee, to protect,	82
Trout, in Marshpee, protected,	584
Alewife and Herring, in Barlow's Pond, Mattapoisett, regulated,	688
Seining in the harbor of Mattapoisett, regulated,	585
Alewives and other fish in Mystic River, protected,	710
Alewife, in Barker's River, Pembroke, relating to,	625
Herring, in Eel River and Town Brook, Plymouth may establish,	631
Provincetown, Clapp's Pond in, pickerel protected,	371
Sandwich, Nye's Pond in, trout protected,	286
Oyster, in Somerset regulated,	488
in Taunton Great River, concerning,	364
Wareham, Maple Spring Pond in, trout protected in,	279
Alewife, in Wellfleet, concerning,	639
in Winchester, regulated,	212
in Winchester, in relation to,	576
Fishing Company, Assonet, incorporated,	46
Nine Mile Pond, in Barnstable, incorporated,	54

	Page.
Fitchburg, for supplying with pure water,	685
Fitchburg Railroad Company, Peterborough and Shirley may sell fran- chise to,	1
concerning,	711
provisions affecting,	168, 395, 440, 490
authorized to extend its road,	304
Fitchburg and Worcester Railroad, time for construction extended, .	12
Fitchburg and Worcester Railroad Company, may issue first-class pre- ferred stock,	475
Flax Cotton Company, capital increased and location changed, . . .	187
Flowage of Meadows on Concord and Sudbury Rivers, in relation to, .	112
Act suspended,	206
Act of 1860, in relation to, repealed,	297
Foreign Missions, American Board of Commissioners for, in addition to incorporate,	428
Fort Hill corporation, in Boston, established,	727
charter amended,	730
in further addition to establish,	730
Fort Pickering, in Salem, ceded to the United States,	652
Fort Point Channel, Harbor lines in, changed,	601
Foundry Company, Cape Cod, incorporated,	690
Foxborough Branch Railroad Corporation, incorporated,	308
capital increased,	529
concerning,	642
Franklin Cemetery Association, incorporated,	49
in relation to,	505
Franklin County, Law Term of S. J. Court, changed,	174
Franklin Insurance Company, continued in force,	277
Franklin Mutual Fire Insurance Company, charter renewed,	336
Franklin Savings Bank in Boston, incorporated,	160
Franklin Telegraph Company, incorporated,	655
Free Church of St. Mary, for Sailors in Boston, incorporated, . . .	97
Free Institute of Industrial Science, Worcester County, incorporated, .	707
Free Public Library, in Worcester, concerning,	5
Freetown, School Districts in, in relation to,	204
Free School, Pratt, Trustees of, incorporated,	638
French, Caleb, Trustees under Will of, authorized to sell real estate, .	431
French, Job B., and J. I. Hillard, may extend wharf in Fall River, .	213
Friend, William H., and others, may build wharf in Gloucester, . . .	65
Friend, William H., and another, may build a wharf in Gloucester, .	476
Fund, Charles River and Warren Bridges, relating to,	584
Fund, for Education in Agriculture and the Mechanic Arts,	418
Fund, Massachusetts War, established,	657
interest on scrip payable semi-annually,	731
Fund, Massachusetts Bounty, established, and Sinking Fund created, .	603
Fund, Sinking, created for redemption of Massachusetts Bounty Fund, .	603
Fund, Sinking, for redemption of Massachusetts War Fund,	657
Fund, Trustees of Horton, in Newburyport, incorporated,	258

INDEX.

761

Fund, Union, increased,	Page. 298, 507
Fund, Western Railroad Sinking, relating to investments in,	295

G.

Gas Light Company, Abington, incorporated,	148
Boston, capital increased,	287
Gas Company, Brookline, in addition to incorporate,	86
Charlestown, may extend pipes into Medford,	89
Chelsea, capital increased,	12
Citizens', of Quincy, incorporated,	24
Dorchester, may purchase franchise of Milton Gas Light Comp'y,	491
Malden and Melrose, concerning,	431
Marlborough, incorporated,	620
Milton, incorporated,	134
Milton, concerning,	491
Natick, incorporated,	157
Newton and Watertown, may extend pipes to Brighton,	56
North Adams, incorporated,	140, 492
Roxbury, relating to,	95
Springfield, capital increased,	845
Union, in Attleborough, incorporated,	16
West Cambridge, authorized to extend pipes, &c., into Winchester and Belmont,	109
Gay Head, Dogs owned in, concerning,	600
General Theological Library, incorporated,	504
Georgetown Agricultural and Social Library Association, incorporated,	65
Gerrish, James, acts as Justice of Peace, confirmed,	504
Glasgow Company, in addition to incorporate,	334
concerning,	559
Glass Company, Cape Cod, incorporated,	469
Globe Locomotive Works, name changed to Globe Works,	320
Globe Works, name established,	320
Gloucester, Breakwater in, Beniah Colburn and others authorized to extend,	137
Gloucester, Cut Beach in, protected,	569
Gloucester Harbor, Ferry in, continued,	18
Gosnold, Town of, incorporated,	506
Governor and Council, to ratify certain Acts of, and to increase the Union Fund,	298, 507
Goward, Watson, acts as Justice of Peace, confirmed,	412
Grand Junction Railroad, bridge over Chelsea Creek, draw in,	519
and Depot Company, provisions affecting,	338, 395, 490
Grand Junction Wharf Company, incorporated,	594
Granite Bridge Corporation, concerning,	694
Granite Company, Plummer, in Northbridge, incorporated,	100
Granite Mills, in Fall River, to incorporate,	351
Great Barrington, for supplying with pure water,	697

	Page.
Great Pasture Company, in the City of Salem, in addition to incorporate,	158
Gunpowder, transportation of through Cambridge, regulated,	59

H.

Hadley, Bridge over Connecticut River, between Northampton and	
Hadley, in addition to incorporate,	80
Hadley Company, in Holyoke, incorporated,	375
Half-way Pond and Agawam Rivers, Fisheries in, regulated,	51, 386
Halifax and Plympton, boundary line between, altered and established,	387
Hampden County, time of holding Probate Courts in, changed,	659
Hampden County Agricultural Society, time changed for holding Annual Exhibition of,	176
Hampden East Agricultural Society, concerning,	279
Hampshire Agricultural Society, time for Annual Exhibition changed,	626
Hampshire County, Law Term of S. J. Court, changed,	174
Hampshire and Hampden Railroad, provisions affecting,	156
Hampshire and Hampden Railroad Company, New Haven and Northampton Company may unite with,	286
Hancock Mills, in Holyoke, incorporated,	378
Hanover Branch Railroad Company, charter revived,	537
Harbor of Boston, concerning,	80, 94, 110
Harbor lines in South Bay and Fort Point Channel, changed,	601
Harbor, Outer, of Boston, protected,	604
Harbor Master of Port of Boston, concerning,	279
Harbor of Marion, seining in restricted,	595
Harbor of Mattapoisett, seining in regulated,	585
Hartford and New Haven Railroad, provisions affecting,	500
Harvard College, Board of Overseers, in relation to,	683
Harwich, election of Town Officers in, ratified,	48
Selectmen of, authorized to construct bridge across Herring River,	135
maintenance of authorized,	138
may take stock in Cape Cod Central Railroad,	379
Herring River in, construction of Dam authorized,	90
and Chatham, boundary line between, established,	293
and Orleans, boundary line between, established,	289
Haverhill and Bradford, Police Court in, concerning,	230
Haverhill Congregational Ministerial Fund, Trustees may invest,	709
Haverhill Library Association, incorporated,	19
Herring Fishery in Barlow's Pond, Mattapoisett, regulated,	688
Herring Fisheries in Plymouth, Town may establish,	631
Herring River, Bridge over, Selectmen of Harwich authorized to construct,	135
maintenance of, authorized,	138
Herring River Company, East Falmouth, incorporated,	367
Herring River in Harwich, construction of Dam across authorized,	90
Hibernian Benevolent Society of Boston, incorporated,	419

INDEX.

763

	Page.
Hibernians, American Society of, incorporated,	173
Hillard, J. I., and Job B. French, may extend wharf in Fall River,	218
Hingham and Abington, boundary line between, established,	163
Hingham Institution for Savings, authorized to hold real estate,	125
Hingham Mutual Fire Insurance Company, authorized to hold real estate,	127
Hingham and Quincy Turnpike and Bridges, concerning,	82, 315
Hobbs, William, Jr., acts as Notary Public, confirmed,	339
Hollingshead, John S., acts as Commissioner of Deeds, confirmed,	596
Holyoke Mills, incorporated,	61
Holyoke Mutual Fire Insurance Company of Salem, may hold real estate,	684
Holyoke and South Hadley Falls Bridge Company, incorporated,	679
Home Association, Old Ladies', Haverhill, name established,	719
Home for Aged Colored Women, in Boston, incorporated,	500
Home for Aged Men, incorporated,	87
Home, Temporary, for the Destitute, may hold estate,	711
in addition to incorporate,	726
Home for Friendless Women and Children, Springfield, incorporated,	678
Home for Little Wanderers, Baldwin Place, incorporated,	647
Home for Orphan and Destitute Children, Church, addition to Act incor- porating,	810
Hoosac Tunnel, Loan of State credit to construct, in addition to authorize,	103
Hoosac Tunnel and the Troy and Greenfield Railroad, for the more speedy completion of,	304
in addition to Act for more speedy completion of,	489
Hoosac Tunnel and Troy and Greenfield Railroad, for more speedy com- pletion of,	706
Hoosac Tunnel and Troy and Greenfield Railroad, land damages and other claims,	705
Hoosac Valley Agricultural Society, in North Adams, incorporated,	85
Hopkinton Savings Bank, incorporated,	571
Horticultural Society, Massachusetts, in addition to incorporate,	858
Hospital, Carney, in Boston, incorporated,	636
Hospital, Massachusetts General, concerning,	484
Hospital for Women and Children, New England, incorporated,	865
Hotel Company, Hyannis, incorporated,	670
Hotel Company, Nahant House Company, incorporated,	29
House of the Angel Guardian, Trustees of, in addition to incorporate,	80
House Company, Linden, incorporated,	666
House of Correction, Barnstable County, authorized to raise money to build,	451
House of Industry, for the City of Boston, Police Court may sentence to imprisonment in,	101
House of Representatives, Balconies to be removed,	1
Howard Fire Insurance Company, in Lowell, in addition to incorporate, charter renewed,	159 481
Hull, County Commissioners of Plymouth may purchase, sell, or lease certain lands in,	484

	Page.
Hull, criminal jurisdiction in, relating to,	426
removal of gates from roads in, concerning,	413
Hyannis Hotel Company, incorporated,	670
Hyde, Benjamin D., acts as Justice of Peace, confirmed,	429
Hyde Park Woollen Company, incorporated,	341
in addition to incorporate,	477

I.

Illegal Appropriations of money by Cities and Towns, prohibited,	391
Improvement Company, Back Bay, incorporated,	88
Improvement Company, East Boston, incorporated,	2
Indemnity Life Insurance Company, incorporated,	703
Indian Orchard Mills, capital increased,	497
Indians of the Commonwealth, concerning,	317
Indians, Removal of certain to State Almshouses, authorized,	412
Industrial Science, Worcester County Free Institute of, incorporated,	707
Inebriates, Boston Asylum for, established,	571
Insane, Receptacle for, at Ipswich, relating to,	307
Institute of Industrial Science, Worcester County, incorporated,	707
Institution for Savings, in Barnstable, may hold real estate,	4
Institute of Technology, Massachusetts, incorporated, and aid granted to,	217
sections of Act granting aid to, repealed,	448
in addition to incorporate,	297, 428, 710
Insurance Commissioners, clerical assistance provided for,	95
Insurance Company, Accident, incorporated,	643
Arkwright Mutual Fire, in Boston, incorporated,	6
Arkwright Mutual Fire, in addition to incorporate,	253
Arkwright Mutual Fire, in Boston, in addition to incorporate,	141
Baltic Marine and Fire, incorporated,	360
Bay State Fire, in Worcester, incorporated,	50
Berkshire Life, in addition to incorporate,	350
Berkshire Life, in further addition, to incorporate,	528
Berkshire Mutual Fire, charter renewed,	336
Boston, continued in force,	276
Boylston Fire and Marine, charter renewed,	470
Broadway, incorporated,	626
Bunker Hill Fire, incorporated,	353
Cambridge Mutual Fire, continued in force,	124
Cape Ann Mutual Fishing, in Gloucester, incorporated,	25
Cape Cod Mutual Fire, in Harwich, incorporated,	204, 369
Chelsea Fire, incorporated,	624
City Fire, capital increased and charter renewed,	496
Cohasset Mutual, for supplying records of,	67
Commercial Mutual Marine, charter renewed,	346
Conway Fire, in Boston, concerning,	556
Conway Stock and Mutual Fire, in addition to incorporate,	84

INDEX.

765

	Page.
Insurance Company, Dedham Mutual Fire, charter renewed, . . .	624
Dorchester Fire, in addition to incorporate, . . .	648
Fall River Mutual Fire, incorporated, . . .	158
Franklin, continued in force, . . .	277
Franklin Mutual Fire, charter renewed, . . .	386
Hingham Mutual Fire, authorized to hold real estate, . . .	127
Holyoke Mutual Fire, Salem, may hold real estate, . . .	684
Howard Fire, in Lowell, in addition to incorporate, . . .	159
Howard Fire, in Lowell, charter renewed, . . .	481
Indemnity Life, incorporated, . . .	703
John Hancock Mutual Life, incorporated, . . .	294
Manufacturers', in Boston, continued in force, . . .	8
Marlborough Mutual Fire, charter renewed, . . .	504
Massachusetts Mutual Life, may hold additional real estate, . . .	497
Mechanics' Mutual, Boston, continued in force, . . .	476
Mechanics' Mutual Fire, in Worcester, name changed to Worcester Manufacturers' Mutual Insurance Company, . . .	141
Mercantile Marine, continued in force, . . .	278
Mutual Marine, charter renewed, . . .	345
Mutual Protection Fire, in Charlestown, incorporated, . . .	219
Mutual Protection Fire, in Charlestown, in relation to, . . .	481
National, of Boston, capital and number of directors reduced, . . .	147
New England Mutual Marine, concerning, . . .	486
Nonantum Fire, in Brighton, incorporated, . . .	175
Océan Mutual, incorporated, . . .	432
Old Colony, in Plymouth, capital increased, . . .	68, 499
Phenix Fire, in Haverhill, incorporated, . . .	35
Phenix Fire, in Haverhill, time extended for paying in capital stock, . . .	185
People's Mutual Fire in Worcester, in addition to incorporate, . . .	54
People's Mutual Fire, in Worcester, concerning, . . .	284
Springfield Fire and Marine, relating to, . . .	133
Suffolk, granted further time to close its affairs, . . .	128
Tri-Mountain Mutual, in Boston, incorporated, . . .	16
Union Mutual Fire, in Boston, charter continued in force, . . .	618
Union Mutual Marine, to extend and alter charter, . . .	125
Washington, continued in force, . . .	277
Weymouth and Braintree Mutual Fire, continued in force, . . .	132
Wellfleet Marine, incorporated, . . .	502
Worcester Manufacturers' Mutual, name changed from Mechanics' Mutual Fire Insurance Company, . . .	141
Ipswich, County Jail at, discontinuance authorized, . . .	441
receptacle for insane at, relating to, . . .	307
Irish American Benevolent Society, Boston, incorporated, . . .	401
Iron Company, Washburn, incorporated, . . .	482
Iron Works, Boston and Fairhaven, incorporated, . . .	420
may construct railroad track in Fairhaven, . . .	524

	Page-
J.	
Jail, County, at Ipswich, discontinuance authorized,	441
Jail and House of Correction, Barnstable County, authorized to raise money for erection or enlargement,	451
Jegar Sahadutha Lodge, incorporated,	66
Jewett, Sewell E., may build wharf in Haverhill,	64
John Hancock Mutual Life Insurance Company, incorporated,	294
Johnson Felting Mills, incorporated,	632
Justices of the Peace and Police Courts, concerning Appeals and Removals in proceedings before,	327
K.	
Kenoza Lake Club, in Haverhill, incorporated,	16
Kiley, John, may build wharf in Provincetown,	68
Kimball, Edward, and Nathan Perkins, may extend wharf in Newburyport,	58
L.	
Labor Reform Association, Boston, incorporated,	654
Ladies' Charitable Association, in Haverhill, name changed to Old Ladies' Home Association,	719
Lagoon Pond, in Dukes County, seining near outlet of, prohibited,	268
Lakeville and Rochester, Fish in Little Quitticus Pond in, protected,	323
Lancaster Mills, in addition to incorporate,	479
Land Company, East Cambridge, incorporated,	150
in addition to incorporate,	396
Land Damage Company, Midland, incorporated,	207
Land Damages and other claims of Troy and Greenfield Railroad and Hoosac Tunnel, relating to,	705
Lawrence, City of, in addition to establish,	198
in relation to sealing weights and measures in,	290
Lechmere Bank, in Cambridge, capital increased,	45
Lee, town of, may take stock in Pittsfield and New Haven Railroad,	581
Police Court in, Justices' salary established,	198
Lee Bank, capital reduced,	353
Leominster Savings Bank, incorporated,	638
Lewis, Nathaniel, may build wharf in Provincetown,	644
Lexington Ministerial Fund, concerning,	656
Lexington and West Cambridge, exempted from supporting Great Bridge over Charles River,	56
Lexington and West Cambridge Railroad Company may sell its road and franchise,	534
Library Association, Congregational, concerning,	559
Dean, in Medway, incorporated,	26
Georgetown Agricultural and Social, incorporated,	65
Haverhill, incorporated,	19

INDEX.

767

	Page.
Library Association, City, of Springfield, incorporated,	529
Library, General Theological, incorporated,	504
Library, Free Public, in Worcester, concerning,	5
Linden House Company, incorporated,	666
Literary Association, Mishawum, in addition to incorporate,	88
Little Quitticus Pond in Lakeville and Rochester, fish in, protected,	323
Little Sipwissett Cranberry and Fishing Company, in Falmouth, incorporated,	159
Little's Bridge, between Marshfield and Scituate, made free,	641
Littleton, concerning registry of deeds in,	90
Locks and Canals on Connecticut River, Proprietors of, additional to acts concerning,	300
Locks and Canals on Merrimack River, Proprietors of, provisions affecting,	126
Lodge, Jegar Sahadutha, incorporated,	66
Long Point, in Provincetown Harbor, jurisdiction over, ceded to United States,	499
Lowe, John W., and Edward G. Nickerson, may extend eastern wharf, in Gloucester,	63
Lowell, City of, concerning sealing weights and measures in,	216
Lowell Horse Railroad, extension authorized,	586
Lyceum Hall, in Andover, incorporated,	615
Lyceum Hall and Chapel, in Marlborough, Proprietors of, incorporated,	515
Lynn Aqueduct Company, incorporated,	663
Lynn, City of, in addition, to establish,	183
Fire Department, concerning,	517
Lynn and Boston Railroad Company, concerning,	124, 689
in relation to,	319
authorized to lease certain railroads,	344

M.

Machine Company, Type-setting, incorporated,	359
Machine Works, American, capital increased,	545
Malden, may maintain a bridge,	265
jurisdiction over lands in, ceded to United States,	596
Malden and Melrose Gas Light Company, concerning,	431
Malden and Melrose Railroad Company, provisions affecting,	21, 421
Malden Savings Bank, incorporated,	87
Mansfield and Somerset Railroad Company, incorporated,	501
Manufacturers' Insurance Company in Boston, continued in force,	3
Manufacturing Company, Aetna Mills, incorporated,	480
American Flax Cotton, capital increased and location changed,	187
American Machine Works, capital increased,	545
American Nail Machine, incorporated,	532
American Watch, capital increased,	618
American Wheat, incorporated,	557
Belvidere Woolen, in Lowell, in addition to incorporate,	134

	Page.
Manufacturing Company, Beoli, incorporated,	551
Boston and Fairhaven Iron Works, may construct railroad track,	524
Bowditch, in Salem, incorporated,	141
Cape Cod Foundry, incorporated,	690
Cape Cod Glass, incorporated,	469
Central Mills, incorporated,	835
Charlestown Gas, capital increased,	481
Chicopee, time extended for changing par value of shares, and for issuing new shares,	66
Chicopee, name changed to Ellerton Mills,	476
Clafin Mills, in Grafton, incorporated,	187
Clinton, charter annulled,	482
Dorchester Gas Light, may purchase property,	491
Ellerton Mills, name established,	476
Everett Mills, in Lawrence, incorporated,	8
Fibrilla Felting, concerning,	488
Glasgow, incorporated,	334
Glasgow, concerning,	559
Globe Works, name established,	320
Granite Mills, incorporated,	351
Hadley, incorporated,	375
Holyoke Mills, incorporated,	61
Hyde Park Woollen, incorporated,	341
Hyde Park Woollen, capital increased,	477
Indian Orchard Mills, capital increased,	497
Johnson Felting Mills, incorporated,	632
Lancaster Mills, may exercise franchise in Boylston,	479
Massachusetts Powder Works, incorporated,	363
Massachusetts Powder Works, additional to act incorporating,	522
Merchants' Woollen, capital increased,	498
Middlesex, capital increased,	477
Milton Gas Light, sale of property authorized,	491
Naumkeag Steam Cotton, capital increased,	128
North Adams Gas Light, incorporated,	492
North Adams Woollen, incorporated,	632
Palge Mills, in Lawrence, incorporated,	127
Peabody, in South Danvers, incorporated,	145
Pemberton, in Lawrence, incorporated,	58
Pneumatic Drill, incorporated,	265
Rockport Steam Cotton Mills, in relation to,	622
Rollin White Arms, incorporated,	483
Rubber Clothing, in Beverly, incorporated,	47
South Wmbrham, capital increased,	665
Stockbridge Iron, in addition to incorporate,	599
Taunton Copper, capital increased,	186, 320
Troy Cotton and Woollen, capital increased,	137
Type-Setting Machine, name changed,	571
Union Mill, in Fall River, incorporated,	17

INDEX.

769

	Page.
Manufacturing Company, Wamesit Power, incorporated,	654
Wamsutta Mills, capital increased,	2
Washburn Iron, incorporated,	482
Whitman and Miles, incorporated,	577
Williamstown, incorporated,	681
Maple Grove Cemetery, in Chicopee, incorporated,	624
Maple Spring Pond, Wareham, protection of trout,	279
Marblehead Academy, Trustees of, in relation to,	677
Marblehead Bank, capital reduced,	352
Marblehead and Lynn Railroad Company, incorporated,	667
Marine Railway, Beverly Mechanics' Company, incorporated,	85
Marine Railway in Chatham, construction authorized,	686
in Gloucester Harbor, Andrew W. Dodd and others may extend,	58
in Wellfleet Harbor, Charles H. Edwards may construct,	57
Marine Railway Company, Eastern, in Provincetown, incorporated,	598
Quincy Point, incorporated,	93
Mariner's Exchange, in Boston, incorporated,	518
Marion Harbor, Seining of fish in, restricted,	595
Marion and Wareham, boundary line between, established,	634
Marlborough and Feltonville Branch Railroad Company, may sell fran- chise to Fitchburg Railroad,	282
Marlborough Gas Light Company, incorporated,	620
Marlborough Mutual Fire Insurance Company, continued in force,	504
Marlborough Savings Bank, incorporated,	92
Marrriages, certain, legalized,	400
Marshfield and Scituate, bridge over North River, between, made free,	641
Marshpee, District of, part of, annexed to Sandwich,	40
in relation to,	427
Fisheries in, to protect,	32
Martha's Vineyard Agricultural Society, to amend Act of incorporation,	89
Martha's Vineyard Steamboat Company, incorporated,	690
Masonic Temple, Worcester, Proprietors of, incorporated,	636
Massachusetts, in relation to coast defences of,	386
Massachusetts Agricultural College, Trustees of, incorporated,	444
concerning,	569, 718
Massachusetts Asylum for the Blind, appointment of Trustees,	505
Massachusetts Bible Society, name established,	627
Massachusetts Bounty Fund established,	603
Massachusetts Colonization Society, incorporated,	267
Massachusetts Dental Society, incorporated,	659
Massachusetts Eclectic Medical Society, incorporated,	155
Massachusetts General Hospital, concerning,	484
Massachusetts Horticultural Society, in addition to incorporate,	358
Massachusetts Institute of Technology incorporated, and aid granted to,	217
in addition to incorporate,	297, 428, 710
sections 8 and 9 of Act to incorporate repealed,	448

	Page.
Massachusetts Mutual Life Insurance Company, may hold additional real estate,	497
Massachusetts Powder Works, incorporated,	363
in addition to incorporate,	522
Massachusetts War Fund, established,	657
interest on scrip payable semi-annually,	731
Mattapolsett, First Precinct in, name changed from Second Precinct in Rochester,	36
Harbor of, seining in, regulated,	585
Herring and Alewife Fishery in, regulated,	688
Meadows on Concord and Sudbury Rivers, in relation to flowage of, 112, 206	
Meadows on Concord and Sudbury Rivers, Act in relation to flowage of, repealed,	297
Mechanic Arts and Agriculture, Fund created for education in,	418
Mechanics' Mutual Fire Insurance Company, in Boston, charter renewed,	476
Mechanics' Mutual Fire Insurance Company, in Worcester, name changed to Worcester Manufacturers' Mutual Insurance Co.,	141
Mechanics' Railway Company, Beverly, incorporated,	85
Mechanics' Savings Bank, in Lowell, incorporated,	150
Medford, Charlestown Gas Company may extend pipes into,	39
Medical Society, Massachusetts Eclectic, incorporated,	155
Melrose, concerning records of annual meeting, March 27, 1865,	719
election of town officers, confirmed,	688
Melrose and South Reading Railroad Company incorporated,	20
Melrose and South Reading Horse Railroad Company, incorporated,	420
Melrose and South Reading Horse Railroad Company, in addition to incorporate,	600
Melrose and South Reading Horse Railroad, time for constructing extended,	667
Menhaden Fishery, in Buzzard's Bay and Vineyard Sound, relating to,	706
Mercantile Marine Insurance Company, continued in force,	278
Mercantile Savings Institution, in Boston, incorporated,	172
Merchants' Bank of Boston, capital reduced,	448
Merchants' Bank in Lowell, capital increased,	45
Merchants' Bank in Newburyport, capital reduced,	349
Merchants' Woollen Company, capital increased,	498
Merrill, Amos B., acts as Justice of Peace, confirmed,	659
Merrimac Steam Navigation Company, charter renewed and amended,	397
Merrimac, Town of, to incorporate,	546
Merrimack Valley Horse Railroad Company, incorporated,	434
time for constructing extended,	633
Methodist Episcopal Church in Gloucester, Trustees may sell property,	348
Methodist Episcopal Church, Theological Seminary, incorporated,	678
Metropolitan Railroad, provisions affecting,	191, 224, 498, 536
Metropolitan, Suffolk and Broadway Railroad Companies, concerning,	311
Middlesex Canal, Proprietors of, in relation to,	109
Middlesex Company, in addition to incorporate,	477
Middlesex County, additional jury term of S. J. Court,	112

INDEX.

771

	Page.
Middlesex County, commissioners of, authorized to lay out Patucket Bridge as a highway,	49
Middlesex North Agricultural Society, time for holding annual fair prescribed,	261
Middlesex Railroad, provisions affecting,	21, 129, 292, 312, 421, 498
Midland Land Damage Company, incorporated,	207
concerning, and name changed to Southern Midland Railroad Company,	385
Midland Railroad, time extended for construction,	31
time extended for constructing portion of,	140
time for location and construction extended,	294
provisions affecting,*	146, 296, 297, 303
Milford, may take stock in Milford and Woonsocket Railroad,	174
Police Court in, office of clerk abolished,	51
Police Court abolished,	213
Police Court in, established,	496
may purchase real estate for a public park,	399
Trinity Parish in, incorporated,	532
Milford and Woonsocket Railroad, Milford may take stock in,	174
time for location and construction extended,	254, 469
Company may cross certain highways at grade,	429
time for locating extended,	633
Military Force, discipline and instruction of, provided for,	235
Military Property, in relation to the sale or exchange of,	309
Mill Corporation, Boston and Roxbury, concerning,	227
Mills, Hancock, incorporated,	378
Indian Orchard, may increase capital,	497
Milton Branch Railroad Company, Dorchester and, may extend road,	146
Milton Gas Light Company, incorporated,	184
concerning,	491
Ministerial Fund, Trustees of Haverhill Congregational, may invest money,	709
Ministerial Fund, Lexington, relating to,	656
Ministerial Fund in Woburn, Trustees of, concerning,	188
Mishawum Literary Association, in addition to incorporate,	88
Monthly compensation of Volunteers, payment and assignment, concerning,	671, 725
Monthly pay of Soldiers, concerning,	671
Monument, Beacon Hill, rebuilding authorized,	652
Monuments, Towns may raise money for,	508
Mount Adnah Cemetery Company in Gloucester, incorporated,	37
Mount Hope Iron Company, may build and extend wharf in Somerset,	62
Morning Star Beneficial Society, incorporated,	556
Munson, Lyman E., acts as Commissioner of Deeds, confirmed,	522
Mutual Marine Insurance Company, continued in force,	345
Mutual Protection Fire Insurance Company, in Charlestown, incorporated,	219
in relation to,	481

	Page.
Mutual Redemption, Bank of, number of Directors increased, . . .	367
Mystic River, Alewives and other Fish in, protected, . . .	710
Mystic River Railroad, time for location and construction extended, . . .	124
time for location and construction extended, and authorized to connect with certain other railroads,	338
relating to,	490
time for location and construction extended,	630

N.

Nahant House Company, in Nahant, incorporated,	29
Nail Machine Company, American, incorporated,	532
Names changed in the year 1859,	118
in the year 1860,	242
in the year 1861,	328
in the year 1862,	462
in the year 1863,	606
in the year 1864,	732
Nantucket, Probate Court, in relation to,	400
Nantucket Agricultural Society, in addition to incorporate,	86
time for holding annual fair, prescribed,	261
Nashua and Lowell Railroad, concerning,	577
Natick Gas Light Company, incorporated,	157
National Dock and Warehouse Company, incorporated,	621
National Insurance Company of Boston, capital and number of direc- tors reduced,	147
National Sailors' Home, incorporated,	617
Natural History, Boston Society of, concerning,	164
aid granted,	217
in addition to incorporate,	703
Sections of act granting aid to, repealed,	448
Naumkeag Steam Cotton Company, capital increased,	128
Naval Service, Seamen in, bounty and aid provided for families of,	530
Neponset Bridge, Proprietors of, concerning,	33, 225
provisions affecting,	255
Neponset Bridge and Braintree and Weymouth Turnpike, in addition to act concerning,	370
New Bedford, City of, in relation to,	400
additional to act establishing,	409
for supplying with pure water,	413
New Bedford and Fall River Railway Company, incorporated,	554
New Bedford and Taunton Railroad, provisions affecting,	343, 510, 511
may extend its track,	587
New Bedford and New York Steam Propeller Company, incorporated,	473
New Church Union, Boston, incorporated,	469
New England Consolidated Coal Company, incorporated,	710
New England Hospital for Women and Children, incorporated,	365
New England Mutual Marine Insurance Company, in Boston, concerning,	486

INDEX.

773

	Page.
New England Steam Packet Company, incorporated,	635
charter amended,	712
New Haven and Northampton Company, Hampshire and Hampden Rail- road Company may unite with,	286
may extend road and connect with Connecticut River Railroad,	653
New Haven and Northampton Railroad, provisions affecting,	362, 533
New Jerusalem, Boston Society of, in addition to incorporate,	137
New London Northern Railroad Company, incorporated,	25
provisions affecting,	471
may change location of road,	550
New North Religious Society in Boston, may sell real estate,	261
New York Central Railroad, provisions affecting,	196, 395
New York and Boston Railroad, time for location and construction extended,	295, 344
Newburyport, City of, charter amended,	98
in addition to act to establish,	394, 503, 595
Newburyport and Amesbury Horse Railroad, incorporated,	487
Newburyport Railroad Company, may construct tracks in city,	574
Newburyport Veteran Artillery Company, Trustees of, incorporated,	448
Newport and Fall River, and the Old Colony and Fall River Railroad Corporations, to unite,	299
Newton Railroad Company, concerning,	338
Newton and Watertown Gas Light Company, may extend pipes into Brighton,	56
Nickersons' Wharf Company, in Boston, incorporated,	5
Niles, Thomas, to extend wharf in Gloucester,	644
Nine Mile Pond Fishing Company, in Barnstable, incorporated,	54
Nonantum Fire Insurance Company in Brighton, incorporated,	175
Norfolk County Railroad, provisions affecting,	296, 297, 385
North Adams Gas Light Company, incorporated,	140, 492
North Adams Water Company, incorporated,	516
in aid of,	553
North Adams Woolen Company, incorporated,	632
North American and European Railway, in aid of construction,	718
North Attleborough Branch Railroad, incorporated,	7
time of locating and constructing extended,	322, 340, 615
North Easton Savings Bank, incorporated,	474
North River, Bridge over, between Marshfield and Scituate, made free,	641
North Weymouth Cemetery Association, incorporated,	717
Northfield, part of annexed to Erying,	12
Northampton, Bridge over Connecticut River, between Northampton and Hadley, in addition to incorporate,	30
Northampton and Shelburne Falls Railroad Company, incorporated,	155
Williamsburg may take stock in,	278
concerning,	362
in addition to incorporate,	438
Northampton and Williamsburg Street Railway, incorporated,	660

O.

	Page.
Ober, John P., may build wharf in Gloucester,	184
Ocean Mutual Insurance Company, incorporated,	432
Odiorne, George, lease to, confirmed,	148
Old Colony Insurance Company, in Plymouth, capital increased, . .	68, 499
Old Colony and Fall River Railroad Company, concerning,	194, 458
to extend road to State of Rhode Island, and for other purposes, .	211
Old Colony and Fall River, and the Newport and Fall River Railroad Corporations, to unite,	299
Old Colony and Newport Railway Company, W. H. Dunbar may build railroad to connect with track of,	535
Old Colony and Newport Railway Company, may cross streets in Fall River at grade,	475
concerning,	649
provisions affecting,	508, 537
Old Ladies' Home Association, Haverhill, name established,	719
Old Man's Home, in Salem, incorporated,	288
Orleans, may take stock in Cape Cod Central Railroad,	380
Orleans and Brewster, boundary line between, established,	146
Orleans and Chatham, boundary line between, established,	293
Orleans and Harwich, boundary line between, established,	289
Orphan and Destitute Children, Church Home for, additional to act in- corporating,	310
Orpheus Musical Society, in Boston, incorporated,	93
Otis, Town of, may take stock in the Pittsfield and New Haven Railroad,	580
Outer Harbor of Boston, protected,	604
Overseers of Harvard College, Board of, in relation to,	683
Overseers of the Poor of Boston, concerning,	522
in relation to,	323
Overseers of the Poor in the City of Worcester, concerning,	696
Oyster Fishery, in Somerset, regulated,	483

P.

Palge Mills, in Lawrence, incorporated,	127
Patucket Bridge, Commissioners of Middlesex County authorized to lay out, as highway,	49
concerning,	126
Paul, Alfred W., acts done as Justice of the Peace, confirmed, . . .	266
Pauperism, Boston Society for the Prevention of, in addition to incor- porate,	529
Pawners' Bank in Boston, charter amended,	617
Pawners' Bank in New Bedford, incorporated,	323
Peabody Manufacturing Company, in South Danvers, incorporated, . .	145
Peace Fund, Permanent, Trustees of, incorporated,	340
Pearl Hill Water Company, in Fitchburg, incorporated,	685
Pemberton Company, in Lawrence, incorporated,	58
Pembroke Steamboat Company, incorporated,	91

INDEX.

775

	Page.
Perkins Institution and Massachusetts Asylum for the Blind, concerning,	505
Permanent Peace Fund, Trustees of, Incorporated,	340
People's Mutual Fire Insurance Company, in Worcester, in addition to incorporate,	54
concerning,	284
People's Savings Bank, Worcester, incorporated,	583
Peterborough and Shirley Railroad Company may sell franchise to Fitchburg Railroad,	1
Petty Loans and Savings, in Boston, Bank of, incorporated,	205
Phenix Fire Insurance Company, in Haverhill, incorporated,	35
time extended for paying in capital stock,	185
Phillips Wharf Corporation, in Salem, incorporated,	213
Pickerel in Clapp's Pond, in Provincetown, protected,	371
Pickering, Fort, in Salem, ceded to the United States,	652
Pine Street Congregational Society in Boston, name changed to Berke- ley Street Congregational Society,	125
Pittsfield and New Haven Railroad Company, charter revived,	525
Becket may take stock in,	579
Lee may take stock in,	581
Otis may take stock in,	580
Sandisfield may take stock in,	578
Tolland may take stock in,	585
Plank Road Company, Salisbury Beach, incorporated,	682
Plummer Granite Company, in Northbridge, incorporated,	100
Plymouth, town of, may establish herring fishery,	631
Plymouth County, establishing law term of S. J. Court for, and changing time of holding October term of Superior Court,	326
Probate Courts in, concerning,	457
Plymouth County Commissioners, may dispose of lands in Hull,	484
Plymouth Marine Railway Company, incorporated,	550
Plymouth and Provincetown Steamboat Company, incorporated,	96
Plympton and Halifax, boundary line between, altered and established,	337
Pneumatic Drill Company, incorporated,	265
Pocasset Bank, in Fall River, in relation to,	263
Police Court, of Boston, in relation to,	231, 326, 327
in Boston, concerning salaries of clerks of,	58
of Boston, may sentence to House of Industry, instead of House of Correction, county jail, &c.,	101
of Boston, concerning,	432
in Charlestown, established,	289
of Chelsea, concerning,	432
Fall River, salaries of officers of, relating to,	285
in Haverhill and Bradford, concerning,	230
in Lee, Justices' salary established,	198
in Milford, office of clerk abolished,	51
in Milford abolished,	218
in Milford, established,	496

	Page.
Police Court of Taunton, Acts respecting, repealed,	568
of Worcester, salary of clerk, established,	596
Police Courts, concerning,	432
concerning the pay of special Justices of,	309
of Boston and Chelsea, concerning,	432
Police Courts and Justices of the Peace, concerning appeals and re- movals in proceedings before,	327
Poor, Overseers of, of the city of Boston, in relation to,	323
concerning,	522
in the city of Worcester, concerning,	696
Popponesset Bay, Sea-Fowl in, protected,	625
Portland Street Baptist Society, name established,	712
Powder Works, Massachusetts, incorporated,	363
in addition to incorporate,	522
Pratt Free School, Trustees of, incorporated,	638
Presbyterian Church, Associate Reformed, in Fall River, name changed to United Presbyterian Church in Fall River,	266
Probate Court, in Bristol County, terms established,	253
in Dukes County, concerning,	291
in Hampden County, time of holding changed,	659
in Nantucket, relating to,	400
in Plymouth County, concerning,	457
Proctor, Joseph O., may extend wharf in Gloucester,	474
Proprietors of Arlington Street Church, name established,	254
Proprietors of the Congregational Church in Grafton, incorporated,	491
Proprietors of Locks and Canals on Connecticut River, in addition to acts concerning,	300
Proprietors of Locks and Canals on Merrimack River, provisions affect- ing,	126
Proprietors of Lyceum Hall, in Andover, incorporated,	615
Proprietors of Lyceum Hall and Chapel, in Marlborough, incorporated,	515
Proprietors of the Maple Grove Cemetery, incorporated,	624
Proprietors of the Masonic Temple of Worcester, incorporated,	636
Proprietors of Meeting-House in Federal Street, Boston, name changed to the Proprietors of Arlington Street Church,	254
Proprietors of the Middlesex Canal, in relation to,	109
Protective War Claim Association, incorporated,	341
Providence and Worcester Railroad, provisions affecting,	8
Providence and Worcester Railroad Company, concerning,	60
Provincetown, Plymouth and, Steamboat Company, incorporated,	96
Public Baths, Town of Woburn may establish,	563
Putnam Hall Association in Cambridge, incorporated,	318

Q.

Quincy and Hingham Turnpike and Bridges, concerning,	82, 315
Quincy Point Marine Railway Company, incorporated,	93
Quincy Railroad Company, incorporated,	142
in addition to incorporate,	255, 583

R.

	Page.
Railroad, extension of Railway track across Birch Street in Abington	
authorized,	661
William H. Dunbar may build railroad track in Abington,	536
Agricultural Branch, concerning,	30, 681
Agricultural Branch, may change location of road,	148
Agricultural Branch, in addition to incorporate,	228
Agricultural Branch, time for location and construction extended,	294
Agricultural Branch, time for locating and constructing extended,	
and change of location authorized,	615
Amherst Branch, charter revived,	538
Amherst, Belchertown and Palmer, concerning,	471
Attleborough Branch, time for locating and constructing extended,	340
Belmont Horse, incorporated,	167
Boston, Barre and Gardner, concerning,	369
Boston, Barre and Gardner, time for constructing extended,	619
Boston and Chelsea, concerning,	498
Boston and Chelsea, in addition to incorporate,	587
Boston and Chelsea, provisions affecting,	129, 344
Boston, Hartford and Erie, concerning,	682
Boston, Hartford and Erie, mortgage of authorized,	725
Boston, Hartford and Erie, provisions affecting,	602, 628
Boston and Maine, provisions affecting,	129
Boston and Fairhaven Iron Works, may construct track in Fair-	
haven,	524
Boston and Maine, provisions affecting,	215, 490
Boston and Providence, capital increased,	632
Boston and Providence, provisions affecting,	642
Boston and Worcester, provisions affecting,	490
Broadway, concerning,	223
Broadway, capital increased,	619
Broadway, Suffolk and Metropolitan, concerning,	311
Cambridge, provisions affecting,	168, 169, 312, 395
Cambridge, may unite with West Cambridge Horse Railroad,	527
Cambridge, concerning,	579
Cambridge, concerning investments of Sinking Fund,	378
Canton and Hyde Park, incorporated,	627
Cape Cod, provisions affecting,	227, 650
Cape Cod, may build wharf in Wareham,	375
Cape Cod Central, incorporated,	184
Cape Cod Central, in addition to incorporate,	382, 632
Cape Cod Central, in further addition to incorporate,	538, 703
Cape Cod Central, Brewster may take stock in,	472
Cape Cod Central, Chatham may take stock in,	375
Cape Cod Central, Harwich may take stock in,	379
Cape Cod Central, Orleans may take stock in,	380
Charlestown Freight, incorporated,	129

	Page.
<i>Railroad, Cliffdale, in addition to incorporate,</i>	725
<i>Cliffdale, concerning,</i>	331
<i>Cliffdale, relating to,</i>	392
<i>Connecticut River, provisions affecting,</i>	302, 331, 332, 453
<i>Connecticut River, New Haven and Northampton to connect with,</i>	653
<i>Danvers, concerning,</i>	37
<i>Dedham and West Roxbury, incorporated,</i>	136
<i>Dedham and West Roxbury, time for location and construction extended,</i>	334
<i>Dedham and West Roxbury, concerning,</i>	536
<i>Dedham and West Roxbury, in relation to,</i>	680
<i>Dighton and Somerset, incorporated,</i>	342
<i>Dighton and Somerset, in addition to incorporate,</i>	434, 508
<i>Dighton and Somerset, provisions affecting,</i>	501
<i>Dorchester Avenue, provisions affecting,</i>	142
<i>Dorchester Railway Company, concerning,</i>	450
<i>Dorchester Railway Company, may purchase franchise of Dorchester Extension Railway Company,</i>	450
<i>Dorchester and Milton Branch, authorized to extend road,</i>	146
<i>Dorchester and Milton Branch, time for location and construction of extension of, extended,</i>	434
<i>Dorchester and Roxbury, concerning,</i>	478
<i>Duxbury, incorporated,</i>	199
<i>East Boston Freight, incorporated,</i>	284
<i>East Boston Freight, provisions affecting,</i>	338
<i>East Boston Freight, relating to,</i>	587
<i>East Boston Street Railway Company, incorporated,</i>	700
<i>Eastern, provisions affecting,</i>	215, 338, 490, 668
<i>Eastern, may straighten its location across Merrimack River,</i>	573
<i>Eastern and Essex, concerning,</i>	371
<i>Eastern and Essex, act concerning revived,</i>	482
<i>Essex and Eastern, concerning,</i>	371
<i>Essex and Eastern, act concerning revived and time for transfer extended,</i>	482
<i>European and North American Railway, in aid of,</i>	718
<i>Fairhaven Branch, may convey franchise and property,</i>	161
<i>Fall River and Warren, charter revived and amended,</i>	111
<i>Fall River and Warren, charter amended,</i>	216
<i>Fall River and Warren, in addition to incorporate,</i>	334, 345
<i>Fall River and Warren, provisions affecting,</i>	343
<i>Fall River and Warren, construction of draw in bridge over Cole's River, in Swansey,</i>	601
<i>Fall River, Warren and Providence, concerning,</i>	627
<i>Fall River, Warren and Providence, addition to act concerning,</i>	634
<i>Fitchburg, extension of road authorized,</i>	304
<i>Fitchburg, provisions affecting,</i>	118, 232, 325, 444, 490
<i>Fitchburg, concerning,</i>	711
<i>Fitchburg and Worcester, time for construction extended,</i>	12

	Page.
Railroad, Fitchburg and Worcester Railroad Company may issue first class preferred stock,	475
Foxborough Branch, incorporated,	303
Foxborough Branch, capital increased,	529
Foxborough Branch, concerning,	642
Grand Junction, and Depot Company, provisions affecting,	285
Grand Junction, provisions affecting,	838, 395, 490
Grand Junction, to provide draw in bridge over Chelsea Creek,	519
Hanover Branch, charter of revived,	537
Hampshire and Hampden, provisions affecting,	156
Hampshire and Hampden, may unite with the New Haven and Northampton,	286
Hartford and New Haven, provisions affecting,	500
Lexington and West Cambridge Railroad Company, may sell its road and franchise,	534
Lowell Horse, incorporated,	424
Lowell Horse, extension of authorized,	586
Lynn and Boston, concerning,	124; 689
Lynn and Boston, in relation to,	819
Lynn and Boston, authorized to lease certain railroads,	344
Malden and Melrose, provisions affecting,	21, 421
Mansfield and Somerset, incorporated,	501
Marblehead and Lynn, incorporated,	667
Marlborough and Feltonville, may sell franchise to Fitchburg Railroad Company,	282
Melrose and South Reading, incorporated,	20
Melrose and South Reading, in addition to incorporate,	533
Melrose and South Reading Horse, incorporated,	480
Melrose and South Reading Horse, in addition to incorporate,	600
Melrose and South Reading Horse, time for constructing extended,	667
Merrimack Valley Horse, incorporated,	434
Merrimack Valley Horse, time for constructing extended,	633
Metropolitan, provisions affecting,	191, 224, 498, 536
Metropolitan, Suffolk and Broadway, concerning,	811
Middlesex, provisions affecting,	21, 129, 812, 421, 498
Midland, time extended for construction,	81
Midland, time extended for constructing portion of,	140
Midland, time for locating and constructing extended,	294
Midland, provisions affecting,	146, 296, 297, 303
Milford and Woonsocket, time for location and construction extended,	254, 469
Milford and Woonsocket, may cross certain highways at grade,	429
Milford and Woonsocket, time for locating extended,	633
Milford and Woonsocket, Milford may take stock in,	174
Mystic River, time for location and construction extended,	124
Mystic River, time for location and construction extended, and authorized to connect with certain other railroads,	338

	Page.
Railroad, Mystic River, time for location and construction extended, .	680
Mystic River, relating to,	490
Nashua and Lowell, concerning,	577
New Bedford and Fall River Railway Company, incorporated, .	554
New Bedford and Taunton, provisions affecting,	343, 510, 511
New Bedford and Taunton, may extend its track,	587
Newburyport and Amesbury Horse, incorporated,	487
Newburyport, may construct railway tracks in the streets, .	574
New Haven and Northampton, provisions affecting,	862, 533
New Haven and Northampton, to extend and connect with Con- necticut River Railroad,	653
New Haven and Northampton, and Hampshire and Hampden, may unite,	286
New London Northern, incorporated,	25
New London Northern, may change location,	550
New London Northern, provisions affecting,	471
Newport and Fall River, may unite with Old Colony and Fall River,	299
Newton, concerning,	338
New York and Boston, time for locating and constructing ex- tended,	295, 344
New York Central, provisions affecting,	196, 385
Norfolk County, provisions affecting,	296, 297, 385
North Attleborough Branch, incorporated,	7
North Attleborough Branch, time for locating and constructing extended,	322, 615
Northampton and Shelburne Falls, incorporated,	155
Northampton and Shelburne Falls, concerning,	362
Northampton and Shelburne Falls, in addition to incorporate, .	438
Northampton and Shelburne Falls, Williamsburg may take stock in,	278
Northampton and Williamsburg Street, Company, incorporated, .	660
Old Colony and Fall River, concerning,	194, 453
Old Colony and Fall River, to extend road to State of Rhode Island, and for other purposes,	211
Old Colony and Fall River, and Newport and Fall River, to unite, .	299
Old Colony and Newport, Company, may cross certain streets in Fall River, at grade,	475
Old Colony and Newport, Company, provisions affecting,	508, 537
Old Colony and Newport, (formerly Old Colony and Fall River, Company,) concerning,	649
Old Colony and Newport, Company, W. H. Dunbar may build rail- road track to connect with,	535
Peterborough and Shirley, may sell franchise to Fitchburg, . .	1
Pittsfield and New Haven, charter revived,	525
Pittsfield and New Haven, concerning,	685
Pittsfield and New Haven, town of Becket may take stock in, .	579
Pittsfield and New Haven, town of Lee may take stock in, . .	581

	Page.
Railroad, Pittsfield and New Haven, town of Otis may take stock in, . . .	580
Pittsfield and New Haven, Sandisfield may take stock in, . . .	578
Pittsfield and New Haven, Tolland may take stock in, . . .	585
Providence and Worcester, provisions affecting, . . .	8
Providence and Worcester, concerning, . . .	60
Quincy, incorporated, . . .	142
Quincy, in addition to incorporate, . . .	255, 582
Rockport, incorporated, . . .	18
Rockport, in addition to incorporate, . . .	368
Rockport, Town of Rockport may take stock in, . . .	20, 284
Salem and South Danvers, incorporated, . . .	151
Salem and South Danvers, time for construction extended, and capital increased, . . .	262
Salem and South Danvers, in addition to incorporate, . . .	376, 597
Salem and South Danvers, in relation to, . . .	655, 702
Somerville Horse, concerning, . . .	395, 579
Somerville Horse, provisions affecting, . . .	527
Southbridge and Palmer, incorporated, . . .	401
South Danvers and Lynn Street, Company, incorporated, . . .	582
South Danvers and Lynh Street, Company, time for constructing extended, . . .	619
Southern Midland, Company, name changed from Midland Land Damage Company, time for completion of road extended, &c., . . .	385
Springfield and Farmington Valley, time for location and construction extended, . . .	186, 516
Springfield Horse, incorporated, . . .	388
Springfield Horse, time for constructing extended, . . .	629
Springfield and Longmeadow, charter revived, . . .	500
Springfield and Longmeadow, concerning, . . .	666
Stockbridge and Pittsfield, provisions affecting, . . .	526
Stoneham Branch, time for location and construction extended, . . .	137, 288
Stoneham Branch, concerning, . . .	185
Stoneham Street, incorporated, . . .	8
Stoughton Branch, provisions affecting, . . .	628
Stoughton Branch, may unite with Canton and Hyde Park Railroad, . . .	628
Suffolk, concerning, . . .	111, 224
Suffolk, provisions affecting, . . .	165, 395, 701
Suffolk, Metropolitan and Broadway, concerning, . . .	811
Taunton Branch, provisions affecting, . . .	343, 501, 502, 511, 642
Troy and Boston, provisions affecting, . . .	305
Troy and Greenfield, provisions affecting, . . .	156
Troy and Greenfield, Boston may loan its credit or take stock in, . . .	98
Troy and Greenfield, Loan of State credit to construct Hoosac Tunnel, in addition to authorize, . . .	108
Troy and Greenfield, and Hoosac Tunnel, for the more speedy completion of, . . .	304

	Page.
Railroad, Troy and Greenfield, and Hoosac Tunnel, in addition to act for more speedy completion of,	439
Troy and Greenfield, and Hoosac Tunnel, in further addition to act for more speedy completion of,	706
Troy and Greenfield, and Hoosac Tunnel, relating to land damages and other claims,	705
Union, provisions affecting,	490
Union Freight Horse, incorporated,	454
Vermont and Massachusetts, provisions affecting,	805, 440
Vineyard Sound, incorporated,	226
Vineyard Sound, concerning,	650
Waltham and Watertown, concerning,	162
Wenham Lake Branch, to incorporate,	363
Wenham Lake Branch, time for constructing extended,	637
West Cambridge Horse, concerning,	527
Western, Sinking Fund, concerning investments of,	225
Winnisimmet, concerning,	132
Winnisimmet, in relation to,	319
Winnisimmet, provisions affecting,	319, 344, 361
Winthrop, incorporated,	164
Winthrop, concerning,	361
Winthrop, provisions affecting,	701
Winthrop, in addition to incorporate,	703
Wood's Hole, incorporated,	649
Worcester Horse, incorporated,	201
Worcester Horse, in addition to incorporate,	340
Worcester Horse, concerning,	511
Worcester and Nashua, concerning,	60
Worcester and Nashua, provisions affecting,	681
Wrentham Branch, established,	296
Wrentham Branch, concerning,	558
Wrentham Branch, time for construction extended,	618
Railroads, Lynn and Boston Railroad Company, authorized to lease certain,	344
Railway, Marine, in Chatham, construction authorized,	636
Marine, in Gloucester Harbor, Andrew W. Dodd and others may extend,	58
Plymouth Marine, incorporated,	550
Eastern Marine in Provincetown, incorporated,	598
Marine, in Wellfleet Harbor, Charles H. Edwards may construct,	57
Randolph and Abington, boundary line between, established,	163
Real Estate and Building Company, in Dorchester, Milton and Dedham, incorporated,	133
in addition to incorporate,	478
Receptacle for Insane at Ipswich, relating to,	307
Record of Soldiers and Officers, to be preserved,	360, 449
Records of the Town of Melrose, concerning,	719

	Page.
Recruiting purposes, towns and cities may raise and expend money for,	512, 521, 652
may re-imburse money paid for,	672
Recruiting and Enlistments, to promote and regulate,	372, 458
Reed, Amos S. and Amos N., may extend Railway track in Abington,	661
Register of Deeds for Dukes County, salary authorized,	654
Registry of Deeds in Littleton, concerning,	90
Relief Steamboat Company, charter amended and continued,	339
Religious Society, Second Baptist Society, in Beverly, may sell parsonage,	100
Berkeley Street Congregational, in Boston, name established,	125
Baldwin Place Baptist Society, in Boston, name changed to Second Baptist Society, in Boston,	622
Meeting-House in Federal Street, in Boston, Proprietors of, name changed,	254
Fifth Universalist Society in Boston, name changed to Shawmut Universalist Society,	348
First Universalist Society in Boston, may sell real estate,	581
Free Church of St. Mary for Sailors in Boston, Trustees of, incorporated,	97
Boston New Church Union, incorporated,	469
New North Religious Society in Boston, may sell real estate,	261
Boston Society of the New Jerusalem, in addition to incorporate,	137
Pine Street Congregational Society in Boston, name changed to Berkeley Street Congregational Society,	125
Salem Street Congregational Society, in Boston, may sell its meeting-house,	297
Second Baptist Society, in Boston, name established,	622
First Parish in Boxford, may sell real estate,	633
South Parish in Braintree, may sell real estate, &c.,	149
First Unitarian Church in Danvers, name changed to First Unitarian Church in South Danvers,	291
First Parish in Dorchester, may sell real estate,	487
Union Society in East Bridgewater, incorporated,	584
First Universalist Society in Essex, organization and proceedings confirmed,	96
Associate Reformed Presbyterian Church in Fall River, name changed to United Presbyterian Church,	266
United Presbyterian Church in Fall River, name changed from Associate Reformed Presbyterian Church,	266
Trustees of the Methodist Episcopal Church in Gloucester, may sell property,	343
Proprietors of the Congregational Church in Grafton, incorporated,	491
Congregational Society of Groveland, may tax pews,	622
First Independent Church in Groveland, may sell real estate,	146
Portland Street Baptist Society, in Haverhill, name established,	712

	Page.
Religious Society, Third Baptist Society in Haverhill, name changed to Portland Street Baptist Society,	712
Church of Our Redeemer, in Holliston, incorporated,	619
First Congregational Society of Jamaica Plain, name established,	474
First Universalist and Second Congregational Societies in Lexington, may unite,	656
Second Congregational and First Universalist Societies in Lexington, may unite,	656
Mattapoisett, First Precinct in, name changed from Second Precinct in Rochester,	36
Trinity Parish, in Milford, incorporated,	532
West Precinct of Needham, may sell estate,	644
Congregational, in First Precinct in Rehoboth, in relation to,	477
Rochester, Second Precinct in, name change to First Precinct in Mattapoisett,	36
Congregational Society of Third Parish in Roxbury, name changed to First Congregational Society of Jamaica Plain,	474
Vine Street Congregational Society, in Roxbury, organization confirmed,	215
Congregational, in the town of Seekonk, name established,	477
Second Baptist, in Taunton, name changed,	474
Winthrop Street Baptist, Taunton, name established, may hold real estate,	474
First Baptist Society, in Tyngsborough, concerning,	544
Woburn, First Unitarian Society in, incorporated,	117
Woburn, Trustees of Ministerial Fund and First Congregational Society in, concerning,	188
Salem Street Society in Worcester, relating to,	65
Reservoir, City of Boston may build,	661
Reservoir Company, Williamsburg, incorporated,	670
Rhode Island Boundary, in relation to,	220
Rhode Island and Massachusetts, boundary line between, suits at law affected by establishment of, regulated,	268, 301
Rice, Henry, acts as Justice of Peace, confirmed,	549
Rice, James, acts as Justice of Peace, confirmed,	479
Right of Suffrage to soldiers and sailors, preserved,	531
Road Company, Salisbury Beach Plank, incorporated,	682
Rochester, Second Precinct in, name changed to First Precinct in Mattapoisett,	36
Rochester and Lakeville, Fish in Little Quitticus Pond in, protected,	323
Rochester and Wareham, boundary line between, defined,	540
Rochester and Wareham, boundary line between, established,	637
Rockland Bank, Roxbury, capital increased,	493
Rockport, relating to elections in,	60
may take stock in Rockport Railroad,	284
Rockport Bank, capital reduced,	349
Rockport Railroad Company, incorporated,	18
in addition to incorporate,	368

INDEX.

785

	Page.
Rockport Railroad Company, Town of Rockport may take stock in,	20, 284
Rockport Steam Cotton Mills, in relation to,	622
Rogers George H., may build wharves in Gloucester,	68, 843, 616
Rollin White Arms Company, incorporated,	489
Roxbury, City of, in relation to sidewalks in,	95
may divert the waters of Stony Brook,	630
may fill up dock at Roxbury Point,	590
Roxbury and Boston, boundary line between, changed,	92
Roxbury Gas Light Company, relating to,	96
Roxbury Point, City of Roxbury may fill up,	580
Rubber Clothing Company, in Beverly, incorporated,	47

S.

Safe Deposit Company, Boston, incorporated,	722
Sailors, Right of suffrage preserved to,	531
Sailors' Home, National, incorporated,	617
Sailors' Snug Harbor, of Boston, may hold additional real and personal estate,	214
Sailors' Snug Harbor and Old Man's Home, in Salem, incorporated,	288
Saint Mark's School, Trustees of, incorporated,	651
Salary of Register of Deeds for Dukes County,	654
Salem, City of, in addition to act establishing,	868
for supplying with pure water,	598
Salem Charitable Mechanic Association, charter renewed,	558
Salem Five Cents Savings Bank, authorized to hold real estate,	139
Salem, Great Pasture Company in, in addition to incorporate,	158
Salem Harbor, Winter Island in, ceded to the United States,	652
Salem Savings Bank, doings confirmed,	520
concerning,	684
Salem and South Danvers Railroad Company, incorporated,	151
time for construction extended, and capital increased,	262
in addition to incorporate,	376, 597
in relation to,	655
relating to,	702
Salem Street Congregational Society, in Boston, authorized to sell its meeting-house,	297
Salem Street Society in Worcester, relating to,	65
Salisbury and Amesbury, may unite,	546
Salisbury Beach Plank Road Company, incorporated,	682
Sandisfield may take stock in the Pittsfield and New Haven Railroad,	578
Sandwich, part of District of Marshpee, annexed to,	40
Nye's Pond in, trout protected in,	286
Sandwich Savings Bank, incorporated,	667
School Districts in Freetown, in relation to,	204
School, Pratt Free, Trustees incorporated,	688
School, St. Mark's, Trustees incorporated,	651
Scots Charitable Society, charter amended,	651

	Page.
Scituate and Marshfield, Free bridge between, established,	641
Screw Company, Boston, incorporated,	722
Seamen in the Naval Service, aid provided for,	530
Sea-Fowl in Popponessett and Waquoit Bays, protected,	625
Second Baptist Society in Beverly, may sell parsonage,	100
in Taunton, name changed, may hold real estate,	474
Second Congregational Society and First Universalist Society in Lexington, may unite,	656
Seekonk, town of, in relation to,	249, 288
Seining in the harbor of Marlon, restricted,	595
in the harbor of Mattapolsett, regulated,	585
Seminary, Theological, of Methodist Episcopal Church, Trustees incorporated,	678
Williston, may hold additional estate,	619
Sergeant-at-Arms, may appoint an assistant,	369
Sewers and Drains in Somerville, concerning,	81
Shad Fishery in the Connecticut River, protected,	493
Shade Trees in the city of Worcester, Commissioners on, relating to,	264
Sharon, part of Stoughton annexed to,	520
Shawmut Universalist Society, name established,	348
Shelburne may make appropriation for military purposes,	153
and Buckland may aid Arms Academy,	34
Shelburne Falls Bank, capital increased,	42
Shelburne Falls Railroad Company, Northampton and, incorporated,	155
Sidewalks in Cambridge, concerning,	430
in Charlestown, concerning,	539
in Roxbury, in relation to,	97
in the city of Springfield, concerning,	430
Silver Mining Company, Bay State, incorporated,	724
Simpson's Patent Dry Dock Company, may build wharf in East Boston,	478
Small, James, Jr., may build a wharf in Dennis,	356
Snug Harbor, Sailors', of Boston, may hold additional real and personal estate,	214
Sailors', and Old Man's Home, in Salem, incorporated,	233
Society, American, of Hibernians, incorporated,	173
for the Relief of Aged and Destitute Women in Salem, incorporated,	98
Boston Children's Aid, incorporated,	645
Boston Irish American Benevolent, incorporated,	401
Boston, of Natural History, concerning,	164
Boston, of Natural History, aid granted to,	217
Boston, of Natural History, in addition to incorporate,	703
Boston Union Relief, incorporated,	260
Channing Home, in Boston, incorporated,	150
Dedham Historical, incorporated,	236
Education of Denomination called Christians, incorporated,	330
Father Mathew Mutual Benevolent Total Abstinence, incorporated,	374

INDEX.

787

	Page.
Society, Father Mathew Mutual Benevolent Catholic Total Abstinence, in Hopkinton, incorporated,	538
Home for Aged Men, incorporated,	87
Massachusetts Colonization, incorporated,	267
Massachusetts Dental, incorporated,	659
Massachusetts Eclectic Medical, incorporated,	155
Massachusetts Horticultural, in addition to incorporate,	358
Middlesex North Agricultural, in relation to,	261
Mishawum Literary Association, in addition to incorporate,	88
Morning Star Beneficial, incorporated,	556
Nantucket Agricultural, in relation to,	261
for the Prevention of Pauperism, Boston, in addition to incorpo- rate,	529
Orpheus Musical, incorporated,	98
Scots Charitable, charter amended,	651
Very Reverend Father Mathew Mutual Benevolent Total Absti- nence, incorporated,	374
Soldiers, Payment of Allotments and Bounties to, secured,	578
Right of Suffrage preserved to,	581
Soldiers and Officers, Record of, to be preserved,	860, 449
Somerville, Drains and Sewers in, concerning,	81
and Cambridge, Boundary line between, additional to act altering,	309
Somerville Horse Railroad, concerning,	895
provisions affecting,	527
Cambridge Railroad Company may purchase franchise of,	579
Somerset, Oyster Fishery in, regulated,	483
Soper, Samuel, may extend and maintain wharf in Provincetown,	61
South American Steamship Company, incorporated,	482
South Bay, Harbor lines in, changed,	601
South Beach in Edgartown, to protect,	400
South Boston Savings Bank, incorporated,	356
South Danvers and Lynn Street Railway Company, incorporated,	582
time for constructing extended,	619
South Danvers Railroad Company, Salem and, incorporated,	151
time for construction, extended, and capital increased,	262
South of Europe Steamship Company, incorporated,	708
South Parish in Braintree, may sell real estate and apply avails thereof,	149
South Wilbraham Manufacturing Company, capital increased,	665
Southampton and Easthampton, boundary line between established,	261
Southbridge and Palmer Railroad Company, incorporated,	401
Southern Midland Damage Company, name changed from Midland Land Damage Company, and time for completion of road extended,	385
Special Justices of Police Courts, concerning the pay of,	309
Springfield Aqueduct Company, capital increased,	540
Springfield, City of, may convey certain real estate,	188
regulating construction of wooden buildings in,	204
authorized to construct certain drains,	381

	Page.
Springfield, City of, concerning sidewalks in,	430
concerning the re-location of streets and ways in,	433
additional supply of pure water,	540
may purchase franchise of Springfield Aqueduct Company,	541
Springfield, City Library Association of, incorporated,	529
Springfield and Farmington Valley Railroad, time for location and construction extended,	136, 516
Springfield Fire and Marine Insurance Company, relating to,	133
Springfield Gas Light Company, capital increased,	345
Springfield Home for Friendless Women and Children, incorporated,	678
Springfield Horse Railroad Company, incorporated,	388
time for constructing road extended,	629
Springfield Institution for Savings, may hold real estate,	341
Springfield and Longmeadow Railroad Corporation, charter revived,	500
may connect with Hartford and New Haven and Connecticut River Railroads,	500
to establish permanent stopping place near Armory in Springfield, concerning,	500 666
St. Mark's School, Trustees of, incorporated,	651
Staples, Sylvanus N., and another, may build wharf in Taunton,	147
may build wharf in Weir Village, Taunton,	519
State Aid, for families of volunteers and for other purposes, 240, 308, 366, 712	
for families of Seaman in the Naval Service,	580
relating to,	712
in addition,	718
State Almshouses, removal to, of certain Indians, authorized,	412
State Credit, in addition to act authorizing Loan of, to Troy and Greenfield Railroad,	103
Steamboat Company, Bay State, provisions affecting,	211
Bay State, charter amended,	451
Boston and Gloucester, incorporated,	18
Boston and New York, incorporated,	629
Martha's Vineyard, incorporated,	690
Pembroke, incorporated,	91
Plymouth and Provincetown, incorporated,	96
Relief, charter amended and continued in force,	339
Taunton, incorporated,	90
Steamship Company, American, incorporated,	384
American, in addition to incorporate,	529, 690
Boston and Colonial, incorporated,	640
Boston and New York, incorporated,	557
Boston and Southern, charter amended,	160
Boston and Virginia, incorporated,	67
South American, incorporated,	432
South of Europe, incorporated,	708
Union, in addition to incorporate,	60
Union, proceedings ratified and license granted to,	323
Union, relating to,	365

	Page.
Steamship Company, United States, incorporated,	398
United States, in addition to incorporate,	538
United States, in further addition to incorporate,	670
Steam Cotton Mills, Rockport, in relation to,	622
Steam Engine Company, American Safety, incorporated,	709
Steam Navigation Company, Merrimac, charter amended and renewed, .	397
Steam Packet Company, New England, incorporated,	635
charter amended,	712
Steam Propeller Company, New Bedford and New York, incorporated, .	478
Steele, George, Jr., may extend wharf in Gloucester,	68
Stetson, Philip, and Luther Eldridge, may extend wharf in Chatham, .	516
St. Mark's School, Trustees of, incorporated,	651
Stockbridge Iron Company, incorporated,	599
Stockbridge and Pittsfield Railroad, provisions affecting,	526
Stoneham Branch Railroad, time for location and construction extend-	
ed,	137, 288
concerning,	185
Stoneham Street Railroad Company, incorporated,	8
Stony Brook, City of Roxbury may divert waters of,	630
Story, Amos A., may extend wharf in Gloucester,	64, 490
Stoughton, part of, annexed to Sharon,	520
Stoughton Branch Railroad, may unite with Canton and Hyde Park	
Railroad,	628
provisions affecting,	628
Street, City of Boston may lay out and widen,	675
Streets on the Back Bay, in Boston, in relation to,	198
Streets and Ways in the City of Springfield, re-location of,	433
Sudbury River, Concord and, in relation to flowage on,	112
act suspended,	206
Suffolk County, concerning imprisonment in,	101
Suffolk Insurance Company, granted further time to close its affairs, .	128
Suffolk Railroad Company, concerning,	111, 224
provisions affecting,	165, 395, 701
Suffolk, Metropolitan and Broadway Railroad Companies, concerning, .	311
Suffolk Savings Bank, in Boston, may hold real estate,	616
Suffrage, Right of, preserved to soldiers and sailors,	581
Sugar Refinery, Adams, incorporated,	712
Boston, capital increased,	481
Superior Court for Essex County, times of holding,	87
Superior Court, October term of, in Plymouth County, time of holding	
changed,	326
Supreme Judicial Court for the Counties of Berkshire, Hampshire and	
Franklin, time changed for holding law terms of,	174
Supreme Judicial Court for the Counties of Middlesex, Essex and Bris-	
tol, concerning,	112
Supreme Judicial Court, Law Term at Plymouth, established,	326
at Taunton, Law Term established,	280

T.

	Page.
Taunton Branch Railroad, provisions affecting,	349, 501, 502, 511, 642
Taunton, City of, established,	69, 559
Taunton Copper Manufacturing Company, capital stock increased,	186, 320
Taunton, Great River, Dighton and Somerset Railroad Company, may change the course of,	509
Fisheries in, concerning,	364
Commissioners of Bristol County may lay out road and construct Bridge over Taunton Great River, in Taunton,	63
Police Court, acts respecting, repealed,	568
Taunton Steamboat Company, incorporated,	90
Taunton, Weir Bridge in, concerning,	552
Technology, Massachusetts Institute of, incorporated and aid granted to, in addition to incorporate,	217 297, 428, 710
sections 8 and 9 of act to incorporate, repealed,	448
Telegraph Company, Cape Ann, incorporated,	47
Telegraph Company, Franklin, incorporated,	655
Temporary Asylum for Discharged Female Prisoners, incorporated,	549
Temporary Home for the Destitute, in addition to incorporate,	711, 726
Theological Library, General, incorporated,	504
Theological Seminary of the Methodist Episcopal Church, incorporated,	678
Third Baptist Society in Haverhill, name changed to Portland Street Baptist Society,	712
Tisbury and Edgartown, boundary line between, established,	296
Total Abstinence Society, Father Mathew Mutual Benevolent, incor- porated,	374
Father Mathew Mutual Benevolent Catholic, incorporated,	538
Very Rev. Father Mathew Mutual Benevolent, incorporated,	374
Town, Abington and Hingham, boundary line between, established,	163
Abington and Randolph, boundary line between, established,	163
Acushnet, incorporated,	13
Acushnet, in addition to incorporate,	134
Amesbury and Salisbury may unite,	546
Belmont and West Cambridge, boundary line between defined,	127
Belmont, Cambridge and West Cambridge, boundary line between, established,	262
Brewster and Orleans, boundary line between, established,	146
Cambridge, Belmont and West Cambridge, boundary line between, established,	262
Cambridge and Somerville, additional to act altering boundary line of,	309
Carlisle, part of Chelmsford annexed to,	623
Chatham and Harwich, boundary line between, established,	293
Chatham and Orleans, boundary line between, established,	293
Chelmsford, part of annexed to Carlisle,	623
Clinton, authorized to make an appropriation,	189
Douglas and Uxbridge, boundary line between, established,	544

INDEX.

791

	Page.
Town, Easthampton and Southamton, boundary line between, established,	261
Edgartown and Tisbury, boundary line between, established,	296
Erving, part of Northfield annexed to,	12
Gosnold, incorporated,	506
Halifax and Plympton, boundary line between, altered and established,	337
Harwich, election of town officers in, ratified,	48
Harwich and Chatham, boundary line between, established,	293
Harwich and Orleans, boundary line between, established,	289
Hingham and Abington, boundary line between, established,	163
Hull, concerning removal of gates from roads in,	412
Hull, relating to criminal jurisdiction in,	426
Lexington and W. Cambridge, exempted from supporting Great Bridge over Charles River,	56
District of Marshpee, part of annexed to Sandwich,	40
Marshpee, trout fishing in, protected,	534
Marion and Wareham, boundary line between, established,	634
Merrimac, incorporated,	546
Northfield, part of annexed to Erving,	12
Orleans and Brewster, boundary line between, established,	146
Orleans and Chatham, boundary line between, established,	293
Orleans and Harwich, boundary line between, established,	289
Plympton and Halifax, boundary line between, altered and established,	337
Randolph and Abington, boundary line between, established,	163
Rochester and Wareham, boundary line between, defined,	540
Rochester and Wareham, boundary line between, established,	637
Rockport, relating to elections in,	60
Rockport may take stock in Rockport Railroad,	20, 284
Salisbury and Amesbury may unite,	546
Sandwich, part of District of Marshpee annexed to,	40
Seekonk, in relation to,	249, 288
Sharon, part of Stoughton annexed to,	520
Somerville and Cambridge, additional to act altering boundary line of,	309
Southampton and Easthampton, boundary line between, established,	261
Stoughton, part of annexed to Sharon,	520
Tisbury and Edgartown, boundary line between, established,	296
Uxbridge and Douglas, boundary line between, established,	544
Wareham and Marion, boundary line between, established,	634
Wareham and Rochester, boundary line between, defined,	540
Wareham and Rochester, boundary line between, established,	637
West Cambridge and Belmont, boundary line between, defined,	127
West Cambridge, Belmont and Cambridge, boundary line between established,	262

	Page.
Town, West Cambridge and Lexington, exempted from supporting Great	
Bridge over Charles River,	56
Town Brook, Plymouth, Herring Fishing in,	631
Towns, doings of in aid of the war, legalized,	845
Towns authorized to raise money for monuments,	508
Towns and Cities prohibited from making illegal appropriations,	391
may raise money for recruiting purposes,	512, 521
may raise and expend money for recruiting purposes,	652
may re-imburse money paid for recruiting purposes,	672
Tremont Bank, in Boston, capital increased,	44
Tri-Mountain Mutual Fire Insurance Company in Boston, incorporated,	16
Tripp, James H., and others, may extend wharf in Chatham,	480
Trinity Parish, in Milford, incorporated,	532
Trout, time limited for catching,	306
Trout Fishery, in Marshpee, protected,	534
Troy and Boston Railroad, provisions affecting,	305
Troy Cotton and Woolen Manufacturing Company, capital increased,	137
Troy and Greenfield Railroad Company, Boston may loan its credit or	
take stock in,	98
loan of State credit to construct Hoosac Tunnel, in addition to	
authorize,	103
and Hoosac Tunnel, for the more speedy completion of,	304
in addition to act for more speedy completion of,	439
for more speedy completion of,	706
provisions affecting,	156
land damages and other claims connected with,	705
Truant children in Dukes County, concerning,	393
Trustees of the Boston College, incorporated,	392
of the College of the Holy Cross, Worcester, incorporated,	647
under will of Caleb French, authorized to sell real estate,	431
of the Haverhill Congregational Fund, may invest money,	709
of the Marblehead Academy, in relation to,	677
of the Massachusetts Agricultural College, incorporated,	444
of the Methodist Episcopal Church in Gloucester, may sell prop-	
erty,	348
of Ministerial Fund, and First Congregational Society, in Woburn,	
concerning,	188
of the Newburyport Veteran Artillery Company, incorporated,	448
of the Permanent Peace Fund, incorporated,	340
of the Pratt Free School, incorporated,	638
of St. Mark's School, incorporated,	651
of the Theological Seminary of the Methodist Episcopal Church	
incorporated,	678
Tuckwell, S. S., and others, may build wharf in South Amesbury,	413
Turnpike, Boston and Newburyport, provisions affecting,	131
Braintree and Weymouth and Neponset Bridge, additional con-	
cerning,	370
Hingham and Quincy, and bridges, concerning,	83

INDEX.

798

	Page.
Turnpike, and bridges, Hingham and Quincy, concerning, . . .	316
Type-Setting Machine Company, incorporated, . . .	369
name changed, . . .	371
Type-Setting and Justifying Machine Company, name established, . . .	371

U.

Union and Constitution, to provide for maintenance of, . . .	232, 234, 235
Union Freight Horse Railroad Company, incorporated, . . .	454
Union Fund, increased, . . .	298, 507
Union Gas Light Company, in Attleborough, incorporated, . . .	16
Union Institution for Savings, in Boston, incorporated, . . .	617
Union Mill Company, in Fall River, incorporated, . . .	17
Union Mutual Fire Insurance Company, in Boston, charter renewed, . . .	618
Union Mutual Marine Insurance Company, to extend and alter charter, . . .	125
Union Railroad, provisions affecting, . . .	490
Union Relief Society, Boston, incorporated, . . .	260
Union Society in East Bridgewater, in relation to, . . .	584
Union Steamship Company, in addition to incorporate, . . .	60
certain proceedings ratified, and license granted to, . . .	323
relating to, . . .	365
Unitarian Church, First, in Danvers, name changed to First Unitarian Church in South Danvers, . . .	291
Unitarian Society, First, in Woburn, incorporated, . . .	117
United Presbyterian Church in Fall River, name established, . . .	264
United States, additional pay to militia in the service of, . . .	574
jurisdiction over certain lands in Charlestown ceded to, . . .	320
jurisdiction over Long Point, in Provincetown Harbor, ceded to, . . .	499
jurisdiction over lands in Malden, ceded to, . . .	596
jurisdiction over Winter Island, in Salem Harbor, ceded to, . . .	652
United States Steamship Company, incorporated, . . .	398
in addition to incorporate, . . .	588
in further addition to incorporate, . . .	670
Uxbridge and Douglas, boundary line between, established, . . .	544
Universalist Society, Fifth, in Boston, name changed to Shawmut Universalist Society, . . .	348
First, in Essex, organization and proceedings of, confirmed, . . .	96
First, and Second Congregational, in Lexington, may unite, . . .	656
First, in Boston, may sell real estate, . . .	581

V.

Vermont and Massachusetts Railroad, provisions affecting, . . .	305, 440
Very Reverend Father Mathew Mutual Benevolent Total Abstinence Society, incorporated, . . .	374
Village Bank, in Danvers, capital reduced, . . .	254
Vine Street Congregational Society, in Roxbury, organization confirmed, . . .	215
Wineyard Sound, Menhaden Fishery in, relating to, . . .	708

	Page.
Vineyard Sound Railroad Company, incorporated,	226
concerning,	650
Virginia Steamship Company, Boston and, incorporated,	67
Volunteers, State aid for families of,	240, 281, 308, 366, 485
prompt payment of, provided for,	357, 459
in addition to act to provide for payment of bounties to,	486, 502, 599, 638
provisions for payment, extended,	494, 525
Chap. 292, Acts 1864, relating to payment of bounties, repealed,	688
concerning assignment and distribution of monthly pay,	725

W.

Walen, Michael, Jr., and others, may build wharf in Gloucester,	62
Waltham Bank, capital reduced,	355
Waltham and Watertown Railroad Company, concerning,	162
Wamesit Power Company, incorporated,	654
Wamsutta Mills, capital increased,	2
Waquoit Bay, Sea-Fowl in, protected,	625
War of the Rebellion, Union and Constitution, maintenance of provided for,	232, 234, 235
acts of Governor and Council ratified, and Union Fund increased,	298
Military Force, discipline and instruction of, provided for,	235
State aid for families of volunteers, and for other pur- poses,	240, 281, 308, 366, 426, 485, 712, 718
doings of towns in aid of, legalized,	345
Military Property, governor may sell or exchange,	309
Record of soldiers and officers, to be preserved,	380, 449
prompt payment of volunteers, provided for,	357, 459
to promote enlistments and regulate recruiting,	372, 458
in relation to Coast Defences of Massachusetts,	386
Illegal Appropriations of money by cities and towns, prohibited,	391
Re-imbursement of bounties paid to volunteers, provided for,	441
Enlistments, in addition to act to encourage, &c.,	447
Bounties, to provide for payment of, and for other purposes, 486, 494, 502, 525, 599 638	
Towns may raise money for monuments,	508
Towns and cities may raise and expend money for recruiting purposes,	512, 521, 652
Bounty and aid provided for seamen in the naval service,	530, 568
Right of Suffrage preserved to soldiers and sailors,	531
to secure the more certain payment of allotments and bounties to soldiers,	573
to provide for additional pay to our militia in the service of the United States,	574
Massachusetts Bounty Fund established and Sinking Fund created,	603
Massachusetts War Fund established and Sinking Fund created,	657
interest on scrip payable semi-annually,	731

INDEX.

795

	Page.
War of the Rebellion, payment of Bounties and monthly compensation, concerning,	671
Towns and cities may re-imburse money paid for recruiting purposes,	672
Chap. 292, Acts 1864, relating to payment of volunteers, repealed,	688
Assignment and distribution of monthly compensation of volunteers, concerning,	725
Massachusetts War Fund established,	657
War Claim Association, Protective, incorporated,	841
Wareham, Maple Spring Pond in, for protection of trout in,	279
Wareham and Marion, boundary line between, established,	634
Wareham and Rochester, boundary line between, defined,	540
Wareham and Rochester, boundary line between, established,	637
Warehouse Company, National Dock and, incorporated,	621
Warren Bridge, Pier on, concerning lease of,	286
Warren and Charles River Bridges, to become highways,	715
Warren and Charles River Bridges Fund, relating to,	584
Warren Railroad Company, Fall River and, to revive and amend,	111
Act of Incorporation amended,	216
Washburn Iron Company, incorporated,	482
Washington Insurance Company, continued in force,	277
Watch Company, American, incorporated,	618
Water Company, Pearl Hill, Fitchburg, incorporated,	685
Watertown, Newton and, Gas Light Company, may extend pipes to Brighton,	56
Watertown Railroad Company, Waltham and, concerning,	162
Water Works, Act for supplying City of Cambridge with pure water,	672
Adams, for supplying with pure water,	691
Boston, City of, for supplying with pure water, amended,	240
Boston, City of, in further addition to act for supplying with pure water,	593
Boston, City of, may build additional reservoir,	661
Brookline Water Company, incorporated,	229
Brookline Water Company, charter amended,	326
Cambridge, for supplying with pure water,	672
Charlestown, for supplying city of, with pure water,	114
Charlestown, in amendment,	335
Charlestown supplied with pure water,	176
Charlestown, City of, additional to act for supplying, with pure water,	545, 665
City of Chelsea may purchase supply of water from Charlestown,	669
Fitchburg, for supplying, with pure water,	685
Great Barrington, for supplying, with pure water,	697
Lynn Aqueduct Company, incorporated,	663
New Bedford, for supplying, with pure water,	413
North Adams Water Company, incorporated,	516
North Adams Water Company, in aid of,	553
Pearl Hill Water Company, in Fitchburg, incorporated,	685

	Page.
Water Works, Salem, City of, for supplying, with pure water, . . .	588
Springfield, to provide additional supply of pure water for city of, . . .	540
Worcester, in addition for supplying, with water, . . .	186, 363
Worcester, for supplying, with pure water, . . .	513
Webber, Daniel S., may extend wharf in Gloucester, . . .	136
Weir Bridge in Taunton, concerning, . . .	552
Wellesley Congregational Society in Needham, Society of West Pre- cinct may sell estate to, . . .	644
Wellfleet, Alewife Fishery in, concerning, . . .	639
Wellfleet Marine Insurance Company, incorporated, . . .	502
Wellfleet Savings Bank, incorporated, . . .	356
Wenham Lake Branch Railroad, incorporated, . . .	383
time for constructing extended, . . .	637
West Cambridge and Belmont, boundary line between, defined, . . .	127
West Cambridge, Belmont, Cambridge and, boundary line between established, . . .	263
West Cambridge Five Cents Savings Bank, incorporated, . . .	88
West Cambridge Gas Light Company authorized to extend pipes, &c., into Winchester and Belmont, . . .	109
West Cambridge, Lexington and, exempted from supporting Great Bridge over Charles River, . . .	56
West Cambridge Horse Railroad Company, incorporated, . . .	527
Westfield Athenæum, incorporated, . . .	508
West Precinct of Needham, Society of, may convey estate, . . .	644
West Roxbury Railroad Company, Dedham and, incorporated, . . .	190
Western Railroad Sinking Fund, investments of, concerning, . . .	225
Weymouth and Braintree Mutual Fire Insurance Company in Wey- mouth, continued in force, . . .	132
Wharf, Akin, David K., may extend, in Yarmouth, . . .	357
Baker, Obed, third, may build, in South Dennis, . . .	620
Battery, Company, allowed further time to organize, . . .	99
Bayley, Abner L., may maintain and extend, in Amesbury, . . .	503
Boston Pier Company of Long Wharf, may extend, . . .	84
Bowly, Gideon, and Joshua E. Bowly, to extend, in Province- town, . . .	430
Cape Cod Railroad Company may build, in Wareham, . . .	375
Constitution Wharf Company in Boston, may extend, . . .	85
Crowell, Prince S., may build, in Falmouth, . . .	364
Doane, Elijah, may build, in Provincetown, . . .	623
East Boston, Company, capital increased, . . .	182, 396
Eastern, in Gloucester, may be extended, . . .	63
Eldridge, Luther, and Philip Stetson, may extend, in Chatham, . . .	516
Friend, William H., and others, may build, in Gloucester, . . .	65
Friend, William H., and another, may build, in Gloucester, . . .	476
Hillard, J. I., and Job B. French, may extend, in Fall River, . . .	213
Jewett, Sewell E., may build, in Haverhill, . . .	64
Kiley, John, may build, in Provincetown, . . .	68

	Page.
Wharf, Kimball, Edward, and Nahum Perkins, may extend, in Newburyport,	58
Lewis, Nathaniel, may build, in Provincetown,	644
Mount Hope Iron Company, may build and extend, in Somerset,	62
Nickersons', Company, in Boston, incorporated,	5
Niles, Thomas, may extend, in Gloucester,	644
Ober, John P., authorized to build, in Gloucester,	134
Phillips Wharf Corporation in Salem, incorporated,	213
Proctor, Joseph O., may extend, in Gloucester,	474
Rogers, George H., may build wharves in Gloucester,	68, 343, 616
Simpson's Dry Dock Company may build, in East Boston,	478
Small, James, Jr., may build, in Dennis,	356
Soper, Samuel, may extend and maintain, in Provincetown,	61
Staples, Sylvanus N., and William H. Phillips, may build, in Taunton,	147
Staples, Sylvanus N., and another, may build, in Taunton,	519
Steele, George, Jr., may extend, in Gloucester,	63
Story, Amos A., may extend in Gloucester,	64, 480
Tripp, James H., and others, may extend in Chatham,	480
Tuckwell, S. S., and others, may build in South Amesbury,	413
Walen, Michael, Jr., and others, may build in Gloucester,	62
Webber, Daniel S., may extend in Gloucester,	136
Wiley, Nathaniel P., and others, may build in Wellfleet,	344
Wonson, John F., may build in Gloucester,	64
Wharf Company, Boston, concerning,	438
Grand Junction, incorporated,	594
Wharves, Bridges or Piers in Boston Harbor, concerning attaching rafts to,	283
Wheat and Bread Company, Boston, incorporated,	706
Wheat Company, American, incorporated,	557
White, Oramel, acts as Justice of Peace, confirmed,	549
Whitman and Miles Manufacturing Company, incorporated,	577
Wiley, Nathaniel P., and others, may build wharf in Wellfleet,	344
Williamsburg, may take stock in Northampton and Shelburne Falls Railroad,	278
Williston Seminary, in addition to acts incorporating,	335, 619
Williamsburg Reservoir Company, incorporated,	670
Williamstown Manufacturing Company, incorporated,	681
Winchester and Belmont, West Cambridge Gas Light Company authorized to extend pipes, &c., into,	109
Winchester, fisheries in, regulated,	212
Winchester, in relation to Fisheries,	576
Winnisimmet Company, concerning,	397
Winnisimmet Ferry Company, provisions affecting,	133, 319
Winnisimmet Railroad, concerning,	132
in relation to,	319
Winnisimmet Railroad, provisions affecting,	319, 344, 361
Winter Island, in Salem Harbor, jurisdiction ceded to United States,	652

	Page.
Winthrop Railroad Company, incorporated,	164
concerning,	361
provisions affecting,	701
in addition to incorporate,	703
Winthrop Street Baptist Society, in Taunton, name established, .	474
Wise, Henry A., Levi Baker against, case of, in relation to, .	232
Woburn, may establish Public Baths,	568
Woburn, Trustees of Ministerial Fund and First Congregational Society	
in, concerning,	188
Women and Children, Friendless, Springfield Home for, incorporated, .	678
Women and Children, New England Hospital for, incorporated, .	365
Wonson, John F., may build wharf in Gloucester,	64
Wood, William H., acts as Justice of Peace, confirmed,	495
Wood's Hole Railroad Company, incorporated,	649
Wooden Buildings in Springfield, construction regulated,	204
Woollen Company, Hyde Park, incorporated,	341
capital increased,	477
Woollen Company, Merchants', capital increased,	498
North Adams, incorporated,	632
Woonsocket Railroad, Milford and, time extended for location and con-	
struction,	254
Worcester, City of, in addition to establish,	57
in addition for supplying with water,	186, 363
concerning,	493
for supplying with pure water,	513
Overseers of Poor in, concerning,	696
People's Savings Bank in, incorporated,	583
shade trees and public grounds in, relating to Commissioners on, .	264
Worcester Agricultural Society, in relation to,	163
Worcester Art Association, incorporated,	639
Worcester County Free Institute of Industrial Science, incorporated, .	707
Worcester Horse Railroad Company, incorporated,	201
in addition to incorporate,	340
concerning,	511
Worcester Manufacturers' Mutual Insurance Company, name changed	
from Mechanics' Mutual Fire Insurance Company,	141
Worcester and Nashua Railroad Company, concerning,	60
provisions affecting,	681
Worcester Police Court, salary of Clerk, established,	596
Worcester, Public Library in, concerning,	5
Worcester South-East Agricultural Society, in Milford, incorporated, .	41
in relation to,	340
Wrentham Bank, capital reduced,	354
Wrentham Branch Railroad, established,	296
concerning,	558
time for construction extended,	618



13 HCU



